United Nations A/53/PV.62

General Assembly

Fifty-third session

Official Records

62nd plenary meeting
Thursday, 19 November 1998, 10 a.m.
New York

President: Mr. Opertti ..... (Uruguay)

In the absence of the President, Mr. Belinga-Eboutou (Cameroon), Vice-President, took the Chair.

The meeting was called to order at 10.10 a.m.

Agenda item 48

Report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Note by the Secretary-General transmitting the fifth annual report of the International Tribunal (A/53/219)

The Acting President (*interpretation from French*): This morning, the Assembly has before it a note by the Secretary-General transmitting the fifth annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, which is contained in document A/53/219.

May I take it that the Assembly takes note of the fifth annual report of the International Tribunal?

It was so decided.

The Acting President (*interpretation from French*): I call on Ms. Gabrielle Kirk McDonald, President of the International Criminal Tribunal for the Former Yugoslavia.

Ms. McDonald (President of the International Tribunal): It is truly an honour to address the General Assembly on the past year's activities of the International Criminal Tribunal for the Former Yugoslavia.

As a young girl, I toured the United Nations and marvelled at this august institution. To one day have the privilege of addressing the General Assembly was more than I could have hoped for, yet here I am, experiencing the same sense of awe that I felt over 40 years ago.

The fifth annual report of the International Tribunal was submitted in July of this year and numbers over sixty pages in length. It contains a comprehensive description of the activities of the three organs of the Tribunal; the Chambers, the Prosecutor, and the Registry.

First, I will highlight and update the report with a few of the activities of the Tribunal. Secondly, I will discuss State non-compliance, which threatens the discharge of our mandate. Thirdly, I will discuss the role of the Tribunal in the peace process.

This year marks the fiftieth anniversary of the signing of the Universal Declaration of Human Rights. Half a century later, this document remains one of the defining achievements in the history of humanity. That it retains such status is testament to the conceptual achievement its adoption signified. Its aspirations and its comprehensive declaration of existing rights serve as a common standard for all peoples and nations. Its strength lies in its purpose. Even though it is a definitive

98-86464 (E)

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one month of the date of the meeting*, to the Chief of the Verbatim Reporting Service, Room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

statement of basic rights, it failed to establish explicit mechanisms for observing, enforcing or protecting those rights.

In a sense, our Tribunal was created to fill the gap left by the drafters of the Universal Declaration. When the Security Council established the International Tribunal in 1993, no one could have predicted that within one year a second Tribunal — for Rwanda — would be necessary. The establishment and success of these Tribunals played no small role in the signing, in July, of the Rome Treaty, creating a permanent International Criminal Court. Together, these courts are the guardians of the rights enshrined in the Universal Declaration.

The progress of the Tribunal from its inception till now has been extraordinary. As one of the original 11 Judges I have had the exceptional opportunity to participate in the process of developing the Tribunal. Most nations have established their judicial systems over the course of hundreds of years. In just half a decade, the International Tribunal has developed into a fully functioning judicial institution. More than six hundred people are employed, representing 57 different nationalities. The budget for 1998 totals over $62 million. Our accomplishments, with the support of the United Nations, are truly phenomenal.

As an international court, the Tribunal stands for the principle of the rule of law. Our goal is to dispense justice, not to exact revenge. The quest for revenge, which occasionally satisfies a primordial need, at its least only perpetuates the cycle of intolerance, or, at its worst, leads to further violence.

The past year marked the end of the building era of the International Tribunal. The first four years were primarily devoted to developing the infrastructure, employing the staff and creating the procedures necessary for a judicial institution. This year's annual report demonstrates that the Tribunal is actively engaging in judicial proceedings aimed at dispensing justice — our *raison d'être*.

During the last year, with the arrest or surrender of 19 accused, the number of detainees in custody tripled. We now have 25 detainees in custody, and one has been provisionally released. To a large extent, these arrests and surrenders have served as a catalyst for the Tribunal's tremendous growth. Concomitant with this growth is a need for increased financial support. It would have been impossible to provide this number of accused a fair and expeditious trial with the resources available one year ago.

During the reporting period great strides have been made to expedite our judicial proceedings. Two additional courtrooms were constructed, giving the Tribunal a total of three available courtrooms. Several Member States made generous contributions allowing for the construction. The United Kingdom provided the funds necessary to construct Courtroom Two. The Netherlands and the United States funded Courtroom Three, with Canada contributing to the project. Earlier this week, we inaugurated three new judges, thus permitting the establishment of a much needed third Trial Chamber. Recent amendments to our Rules of Procedure and Evidence have put into place new mechanisms, including a pre-trial judge and provision for a pre-trial conference. Additionally, we have fine-tuned existing procedures to enhance the ability of Chambers to accommodate the large number of accused on trial and awaiting trial.

The Tribunal is now engaged in an extraordinary amount of litigation activity: four cases have been completed (the judgement in one was rendered earlier this week); three trials are ongoing; seven cases are in the pre-trial stages; three appeals are pending. Two cases were closed this summer, after the unfortunate deaths of the accused. As you are aware, the five-member Appeals Chamber also considers appeals from Rwanda. From that Tribunal, there are two appeals pending and four applications for leave to appeal.

As I have indicated, in the last year the Tribunal has witnessed a substantial increase in the number of accused in custody awaiting trial. The Prosecutor is confident that additional detentions by the Stabilization Force (SFOR) will occur throughout 1999, and consequently she anticipates a continuing supply of cases for the Trial Chambers.

However, it should be borne in mind that the Office of the Prosecutor is also the investigative arm of the Tribunal. For the Prosecutor, preparing cases for trial has resulted in significant investigative and legal resources being diverted from other ongoing investigations. As a consequence, the Prosecutor's ability to conduct new investigations has been severely interrupted, and during 1998 it has been necessary to suspend a number of important investigations until additional resources can be obtained. Moreover, the success of a number of investigative missions by the Office of the Prosecutor has meant the seizure of large numbers of documents generated during the conflict. This material requires considerable resources for indexing,

analysis and extraction of relevant evidence for investigations and prosecutions.

The Prosecutor could not predict accurately the number of accused persons who would be surrendered to The Hague during 1998 nor the quantity of documents which would come into her possession through the execution of search warrants. Unexpected successes in both arrests and searches meant that the resources required to prepare the cases for trial and to conduct their prosecution had been underestimated. Consequently, the Prosecutor reports that she was not able to efficiently and expeditiously fulfil her dual obligations of investigation and prosecution under the Statute of the Tribunal. The Office of the Prosecutor considers itself the engine driving all the other work of the Tribunal: without investigation, there can be no prosecution. Accordingly, I respectfully request the General Assembly to support the Prosecutor's bid for additional resources for 1999.

Likewise, this increase in judicial activity impacts the Chambers' capacity to provide for fair and expeditious trials. In recognition of this increased caseload, the Security Council created a third Trial Chamber. Because of the developing nature of international humanitarian law, its application requires an extensive review of limited and diverse sources of international and national law. Consequently, legal support is needed for this new Trial Chamber and the Chambers as a whole if they are to continue functioning effectively. I respectfully ask the General Assembly to support the Chambers' request for additional resources for 1999.

The Registry of the Tribunal has provided the support necessary for the successful expansion of the Tribunal's judicial and prosecutorial functions. It developed court management procedures necessary to operate three courtrooms, including assigning Defence counsel to indigent accused, supervising the Detention Unit and maintaining diplomatic relations with States, and was largely responsible for overseeing the growth of the Tribunal's infrastructure.

Of course, no international court of law can function without State cooperation and compliance. During the past year, the Tribunal has benefited from increasing cooperation and compliance, both from States and from international and multinational organizations. Most importantly, a number of States have begun to proactively support the Tribunal, both directly with logistical and financial assistance and indirectly through the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina — the Dayton Agreement.

Surrenders of indicted individuals from the territory of the Republic of Croatia and the Republika Srpska are the most visible signs of increased cooperation from the States and entities of the former Yugoslavia. The change in attitude of the Republika Srpska is of particular note, since in previous reporting periods that entity was unrestrained in its intransigence towards the Tribunal. For example, this improved environment allowed for the provisional release of one detainee following the receipt of a bail bond from the Republika Srpska and a guarantee that it would ensure that the detainee appear at the Tribunal for trial.

Unfortunately, in this general atmosphere of increased cooperation there is one significant holdout. This is the second point I will discuss. Twice in the past 10 weeks I have reported to the Security Council the non-compliance of the Federal Republic of Yugoslavia (Serbia and Montenegro). These reports concerned two issues: first, the failure of the Federal Republic of Yugoslavia to arrest and transfer indicted persons to the custody of the Tribunal; and secondly, the failure of that State to issue visas to investigators of the Office of the Prosecutor so that she might conduct investigations in Kosovo. Furthermore, my predecessor, Judge Cassese, reported to the Security Council the failure of the Federal Republic of Yugoslavia to execute arrest warrants for indicted persons believed to be in their territory, and in each of his four annual addresses to the Assembly, Judge Cassese raised this matter as being a continuing and major obstacle to the ability of the Tribunal to discharge its mandate.

Despite these reports, however, little has been done by the world community to address this problem. Not surprisingly, the apparent effect of this inaction has been to give the Federal Republic of Yugoslavia license to disregard, with impunity, its international obligations. The failure to address this non-cooperation in a meaningful way has emboldened the Federal Republic of Yugoslavia to unabashedly obstruct the Tribunal and, in the process, the will and explicit mandate given to it by the United Nations. Thus, the Federal Republic of Yugoslavia's actions, flouting international law, are an affront to the United Nations and the very principles underlying the establishment of this institution. Furthermore, these misdeeds are in direct contravention of express Security Council resolutions regarding events in Kosovo.

In resolution 1160 (1998) of 31 March 1998, the Security Council urged the Prosecutor of the Tribunal to begin gathering information related to the violence in Kosovo. On 23 September, in resolution 1199 (1998), the Council found that events in Kosovo constituted a threat to peace and security in the region. In that resolution, the authorities of the Federal Republic of Yugoslavia were obligated to "cooperate fully with the Prosecutor of the International Tribunal for the Former Yugoslavia in the investigation of possible violations within the jurisdiction of the Tribunal". Finally, less than a month ago, on 24 October, the Council adopted resolution 1203 (1998), which called for a prompt and complete investigation of all atrocities committed in Kosovo. Moreover, full cooperation with the Tribunal was required, "including compliance with its orders, requests for information and investigations".

My letter of 6 November 1998 to the Security Council stated:

> "I respectfully seek from the Security Council measures which are sufficiently compelling to bring the Federal Republic of Yugoslavia into the fold of law-abiding nations."

Two days ago, the Security Council adopted resolution 1207 (1998), having considered my letters of 8 September, 22 October and 6 November. It is significant that, acting under Chapter VII of the Charter of the United Nations, the Council condemned the failure of the Federal Republic of Yugoslavia to execute arrest warrants against the three individuals referred to in my letter of 8 September and demanded the immediate and unconditional execution of those warrants, including the transfer of those individuals to the custody of the Tribunal.

It is also significant that the Security Council called upon the authorities of the Federal Republic of Yugoslavia, the leaders of the Kosovo Albanian community and all others concerned to cooperate fully with the Prosecutor in the investigation of all possible violations within the jurisdiction of the Tribunal. Yet, for three years this State unabashedly failed and refused to execute these warrants. Moreover, in denying visas to the Prosecutor's investigators, it has stated that it will not accept an investigation by the Tribunal of events in Kosovo even though the Security Council has directed that cooperation be given the Prosecutor in this investigation.

I submit that the Federal Republic of Yugoslavia is, therefore, directly challenging the authority of the Security Council. I respectfully call upon the Assembly to state unequivocally that such action will not be countenanced, for it threatens to undermine everything that the United Nations stands for. I urge the Assembly to reaffirm those principles and ensure that no State — no State — will be permitted to violate with impunity its obligations under international law.

My third point relates to the role of the Tribunal in achieving peace and reconciliation. The Tribunal is a recognized and integral part of the peace process in the former Yugoslavia. The horrific crimes committed in the conflict were crimes committed by individuals against individuals. Yet, they are also crimes against humanity. Ultimately, the world community must hold accountable all those who planned, instigated, directed and carried out every aspect of these unspeakable crimes. To this end, the Tribunal is establishing for history a full and comprehensive record of the barbarity which consumed the former Yugoslavia.

In compiling this account, there must be respect for the principles of equality of all persons, the universality of justice and consistency in the application of the law. In upholding these principles, the Tribunal is the golden thread in the cloth of the peace process. If those of us who are in a position to act fail to take effective action to remove the cancer of criminality which stains every strand of that process, the cloth itself will unravel. If this happens, then the colossal resources which have been invested in rebuilding the region will have been wasted and the process of reconciliation will certainly fail.

In an effort to bring a greater understanding of the Tribunal to the people of the former Yugoslavia, last month we invited judges, lawyers, prosecutors and professors from the States and entities of the former Yugoslavia to The Hague. The Tribunal intends to build upon this effort. We will reach out and embrace not only those in the legal community, but all who value the rule of law. We will challenge those who try to undermine our contribution to the peace process. We will replace misinformation about the Tribunal with information about the Tribunal. We will build upon this beginning in establishing a continuing dialogue to discuss the important role which the Tribunal is playing in the process of bringing peace and reconciliation to the region. We will ensure that the Tribunal receives the respect it deserves from those for whom it was established and the international community at large.

We are not there, however. Therefore, a proposal to establish a Truth and Reconciliation Commission,

although arguably acceptable in principle, is premature. Before such a commission is put into place, every effort should be made to strengthen the existing mechanisms of justice, rather than creating a new structure which could further hinder our ability to bring peace with justice to Bosnia and Herzegovina. The judicial process is best equipped to test evidence regarding the commission of horrific crimes, as well as to determine the causes of the conflict. The judges are unbiased. They do not have a stake in the conflict; they are the best qualified to determine responsibility.

I implore the Assembly to renew the commitment it so daringly made five years ago, and remind it that complacency in the face of evil and aggression today will only breed more of the same tomorrow. The recent violence and the humanitarian crisis in Kosovo make it evident that we are facing the very real prospect that the Balkans will again be consumed by an horrendous conflict.

Following the ravages of the Second World War, the Nuremberg Tribunal was created to put the world on notice that the international community would not allow such atrocities to go unpunished. Hence the phrase, "never again". Yet, again and again such barbarity comes back to haunt us. Without a firm renewal of the commitment to the important principles underlying the work of the Tribunal, those who would slay innocents make a mockery of our pledge, "never again".

This century has been the bloodiest in human history, Sadly, the world community has been schizophrenic in its response. Despite the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide and numerous treaties proscribing such unlawful acts, international and non-international conflicts in which the targets are innocent civilians have occurred with alarming frequency and ferocity. We cannot stand by while such atrocities are committed. For if we do, surely we are as guilty as the perpetrators.

The heinous crimes committed by the Nazi regime were allowed to happen because many bystanders looked the other way. They knew what was happening, but they feigned ignorance. They did not want to know. It was easier and safer for them not to know. They knew and they did nothing. Ervin Staub, the author of "The Roots of Evil" writes that the real danger of all human rights violations is not the perpetrator, but the bystander — because he knows and he does nothing.

The international community must demonstrate, not merely with words but with deeds, its renewed commitment to transform the instruments prescribing international norms into effective tools of deterrence. It is worse to condemn behaviour and then tolerate it than to not condemn it at all. Not only is this an exercise in hypocrisy, but the effect is to render these instruments nothing more than aspirational statements — nothing more than "paper tigers".

Thus, I ask the Assembly: will you passively stand by and permit one State to flout the express directive of the United Nations? By omission, will you not become a participant? Or will you assert boldly and without reserve that the principles of peace and justice on which this Organization was founded a half century ago are worth more than the paper on which they are written? Will the aspirations and the expectations of those who support the international rule of law be given effect, or will one State be permitted to ignore its obligations with impunity?

We are truly at a watershed. The Tribunal lacks independent enforcement power to bring about compliance. We cannot accomplish our mission to help establish and maintain international peace and security in a region torn apart by artificially engineered hatred without the unequivocal support of the Assembly. Our accomplishments to date are subject to being overshadowed by the precedent that would be set if one State were permitted to ignore its internationally imposed obligations. Ignoring the Federal Republic of Yugoslavia's non-cooperation and non-compliance, which has escalated into blatant obstructionism, encourages other States to do likewise, inflicting a devastating blow to international law and to this institution.

The Tribunal has done everything within its power to achieve the purposes for which it was established. If we do not succeed, it will not be because the Tribunal has failed. If we do not succeed, it will be because the world community has failed the Tribunal. It will have been failed by the States that created it and on which it relies for its effectiveness, and the international community will have forsaken its commitment to the rule of law. To allow this would be the beginning of the end of the spirit of the Universal Declaration of Human Rights, and that would be a tragedy. The General Assembly has the power to send a message to the world that there is no conflict in commitment when it comes to human rights.

Now is the time to enforce the spirit of the Universal Declaration of Human Rights. We must not be bystanders. We must act, and protect those who cannot protect themselves. If we do not learn the lessons of our troubled history, then we are doomed to repeat them.

Mr. Sucharipa (Austria): I have the honour to speak on behalf of the European Union, on the fifth annual report of the International Tribunal for the former Yugoslavia. In addition, the Central and Eastern European countries associated with the European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Lithuania, Poland, Romania, Slovakia and Slovenia — and the associated country Cyprus, as well as the European Free Trade Association countries members of the European Economic Area Iceland and Liechtenstein, align themselves with this statement.

The European Union would first like to thank the President of the International Tribunal for the former Yugoslavia, Ms. Gabrielle Kirk McDonald, for her comprehensive, very informative and engaged introduction of the report. We would like to congratulate her on her election to the presidency of the Tribunal. I am sure that her sense of awe in speaking before the General Assembly this morning would have been even greater had the Assembly Hall been filled with more delegations, as would have been appropriate to the importance of this agenda item.

Let me also express our gratitude to the former President, Mr. Antonio Cassese, for the tireless and competent leadership he provided during the Tribunal's important initial years.

Both through its analysis and through the details it provides, the report before the Assembly gives us a clear and complete picture of the activities of the Tribunal between 1 August 1997 and 27 July 1998. We congratulate the President, the judges, the Prosecutor and the other officers of the Tribunal on the important work they all have accomplished. The European Union would also like to express its appreciation for the contribution that the Netherlands, as host country, continues to make to the Tribunal's activities. The European Union is no less appreciative of the various important contributions, in money, in kind and in making available needed staff to the Tribunal, which other Governments have made during the period covered by the report.

As the report shows, at the end of its fifth year the Tribunal has made further progress. Through Security Council resolution 827 (1993) the international community established jurisdictional mechanisms to put an end to the situation of impunity enjoyed by too many perpetrators of serious crimes: breaches of international humanitarian law committed during the years of conflict in the former Yugoslavia. The proper functioning of the Tribunal is crucial for the full implementation of the peace accords in the former Yugoslavia and for their follow-up. With very few exceptions, which will be referred to later, States have established a good basis for cooperation with the Tribunal.

In that respect the European Union observes that, in the Tribunal's own opinion, the events and developments of the past year, as reflected in the report, have resulted in a fully fledged international criminal judicial institution with the infrastructure and the prosecutorial, judicial and administrative mechanisms required by its mandate. The past year has indeed been characterized by the unprecedented growth of the institution and its activities, thus demonstrating that, as the Tribunal puts it, "international criminal justice is an achievable goal" (*A/53/219, para. 276*). Moreover, the Tribunal has constituted an important precedent for the establishment of a general international criminal jurisdiction, which augurs well for the coming to life of the International Criminal Court created through the adoption of the Rome statute on 17 July of this year. Indeed, the work, the actual activity and the experience of the International Tribunal for Yugoslavia and of its sister institution, the Rwanda Tribunal, will provide a valuable source for the establishment of a system of rules, procedural and otherwise, which should make it possible to prosecute and punish, at the international level, serious violations of humanitarian law no matter where these crimes may occur or by whom they are committed. In this connection, one has to underline the importance of appropriate access to the Tribunal by victims and the importance of the protection of those victims.

The European Union welcomes the establishment by the Tribunal of a third Chamber. The judges who will serve in that Chamber were elected by the General Assembly on 16 October 1998. Furthermore, the Tribunal has reviewed its rules of procedure and evidence and has amended a significant number of them, adding several new rules. All this should facilitate and accelerate the work of the Tribunal.

A brief glance at the Tribunal's current administrative set-up shows that the infrastructure now in place can be regarded as sufficient and up to date. Two additional courtrooms were constructed, and the Tribunal

occupied further additional space for its Registry. Although there may be a need for future expansion of the detention facility, the Tribunal is able to manage with the present installations. These installations are currently holding 27 detainees who have been indicted by the Tribunal.

As the Tribunal reports, since October of last year 19 indictees either have been apprehended or have surrendered to the Tribunal. However, when one looks at the detailed survey of the execution or non-execution of arrest warrants by States, entities and international organizations on the territory of the former Yugoslavia, which is contained in annex III of the report, it becomes evident that serious problems still persist as far as the active cooperation of the authorities in place on the territory covered by the Tribunal's judicial mandate and terms of reference is concerned. In a number of cases those authorities have taken no action at all on the specific requests and arrest warrants transmitted by the Tribunal.

Such lack of cooperation is clearly in violation of mandatory obligations under international law and must not be tolerated. While the Tribunal notes a certain increase in cooperation from the Republika Srpska, which resulted in the surrender of five indictees from its territory, the overall situation remains unsatisfactory. One blatant example is the continuing refusal of the Government of the Federal Republic of Yugoslavia to cooperate with the Tribunal by failing to arrest and transfer to the custody of the Tribunal three persons indicted by it, a matter which was raised by the President of the Tribunal in her letter dated 8 September 1998 addressed to the President of the Security Council (S/1998/839) and stated by her again so convincingly this morning when she introduced the Court's report. In this context, we do welcome the pronouncement of the Security Council last Tuesday, when it condemned in very clear terms the failure to date of the Federal Republic of Yugoslavia to execute those arrest warrants and demanded their immediate and unconditional execution.

As in the past, the European Union will refrain for reasons of principle from commenting on actual cases now before the Tribunal. Chapter II B of the report, on the Tribunal's judicial activities, contains detailed information in that regard. We wish to reiterate that in order to do its job impartially, the Tribunal must be totally independent of any political authorities. However, we have to stress again the need for unstinting cooperation by all States and all parties with the Tribunal to enable it to perform its duties satisfactorily. The corresponding duties of the authorities concerned extend not only to executing the Tribunal's arrest warrants, but also to facilitating its investigative activity by allowing entry of investigators and cooperating with them.

In the latter respect, the European Union notes that a serious issue has arisen as far as the Tribunal's role in response to recent events in Kosovo is concerned. International humanitarian law applies to the situation in Kosovo, and the Tribunal has a mandate to gather relevant information and evidence.

In recent letters addressed to the President of the Security Council, the President of the Tribunal has drawn attention to the fact that the necessary cooperation of the Government of the Federal Republic of Yugoslavia is not forthcoming. The European Union is thus deeply concerned about the decision of that Government to deny a delegation from the Tribunal the permission to conduct investigations in Kosovo. This decision is a clear case of non-compliance with the relevant resolutions of the Security Council and the recent Holbrook/Milosević agreement, which the European Union fully supports. The Union's position in that regard has been communicated to the authorities of the Federal Republic of Yugoslavia.

In this connection, the European Union recalls Security Council resolutions 1160 (1998), 1199 (1998) and 1203 (1998), which spell out the obligation of the Federal Republic of Yugoslavia to cooperate fully with the Tribunal in respect of Kosovo, including compliance with its orders, requests for information and investigations. The Union demands that the authorities of the Federal Republic of Yugoslavia stop preventing the Office of the Prosecutor from accomplishing its mission in Kosovo.

We express the hope that the necessary steps will finally be taken by the Belgrade authorities to enable the Tribunal, and in particular its Prosecutor, to carry out their mandate concerning Kosovo. This is not a matter of graciously according visas to the Prosecutor and her staff so that they may attend a symposium or similar events in Belgrade; it is a matter of mandatory cooperation with the Tribunal under article 29 of its Statute and of genuine compliance with clear-cut obligations under international law.

In conclusion, the European Union wishes to assure the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 of its full support. To

achieve the purpose for which the Tribunal was created, the active cooperation of all Governments is needed. The European Union accordingly urges that such cooperation be forthcoming. The importance and the scope of this issue are well defined by the Tribunal itself in its final conclusion, a conclusion which holds equally true, if not to a larger extent, for the International Criminal Court and the Rome Statute adopted earlier this year. The European Union is in agreement with the Tribunal, when the latter at the end of its report states the following:

> "to support the nascent international order that the Tribunal epitomises, the process of law must be applied and must be upheld. In this, there should be no doubt, for in this there can be no doubt. The rule of law is not subject to expediency. The international community must see, must listen and must act if it is not to squander the extraordinary potential of [the Tribunal's] creation." (*A/53/219, para. 300*)

Mr. Kolby (Norway): Norway is impressed by the achievements of the International Tribunal for the Former Yugoslavia, as reflected in various judgements as well as the report before us. Recent judgements have shed light on the chain of events linked to the cycle of violence in the former Yugoslavia. We join those that have expressed the sincere hope that the activity of the Tribunal will contribute to deterrence against new atrocities, as well as to the long-term process of national reconciliation in the former Yugoslavia. Moreover, the judgements of the Tribunal represent important new building blocks in international jurisprudence with regard to the prosecution of the most serious international crimes. The experience obtained is also a stepping stone towards the establishment of the International Criminal Court in accordance with the Rome Statute adopted in July this year.

Norway fully endorses a role for the Tribunal in investigating and prosecuting international crimes perpetrated in connection with the tragic situation in Kosovo. We are deeply disturbed in this connection by the near total non-compliance by the Government of the Federal Republic of Yugoslavia with regard to the Tribunal and welcome the fact that the Security Council has now addressed the matter in its resolution 1207 (1998). The resolution deplores the continued failure of the Federal Republic of Yugoslavia to cooperate fully with the Tribunal and demands the immediate and unconditional execution of the arrest warrants against the three individuals who have been indicted for the alleged murder of 260 unarmed men following the fall of the city of Vukovar in November 1991.

While acknowledging signs of improved cooperation with the Tribunal, we are continuously reminded of the fact that the main perpetrators of atrocities committed in the former Yugoslavia still enjoy their freedom with the semblance of impunity. We wish therefore to emphasize that the international community must not waver in its long-term commitment to the fulfilment of the mandate of the Tribunal for the Former Yugoslavia. No one should gamble on impunity for acts of genocide, other crimes against humanity or serious war crimes.

Norway remains a strong supporter of the Tribunal and joins those that have appealed to States to take all legislative steps necessary under domestic law to ensure effective State cooperation with it. In addition to implementing legislation and ensuring compliance with the Tribunal's requests for assistance, States must also secure proper financial and material support. The Norwegian Government has declared among its measures its willingness to consider applications from the Tribunal concerning the enforcement of sentences from the Tribunal and subsequently, in conformity with our national law, to receive a limited number of convicted persons to serve their time in Norway. We encourage many more States to prove their continued commitment to the work of the Tribunal through concrete action.

Mr. Šimonović (Croatia): Croatia assigns particular importance to the role of the International Criminal Tribunal for the Former Yugoslavia. The Tribunal has a special part to play in achieving justice for the victims and bringing about the conditions for lasting peace and stability in the region. In this context, I would like to thank the President of the Tribunal, Judge McDonald, for her comprehensive report and for all her efforts to make the Tribunal an effective and independent institution which seeks to fulfil its mandate in an efficient manner. The Tribunal will continue to have the full support of the Croatian Government.

The Republic of Croatia considers the prosecution of war crimes to be not only a legal but also a political and moral duty. Indeed, it was the Republic of Croatia which sought from the Security Council the establishment of the Tribunal as early as 1991. Croatia was also among the first countries, and so far one of only 20, to enact implementing legislation so as to institutionalize its cooperation with the Tribunal. A Tribunal Liaison Office is operating in Zagreb as well as a special Government office tasked with coordinating cooperation with the Tribunal. In this context, my Government is pleased that

the present report positively assesses Croatia's cooperation.

The President of the Tribunal has drawn attention to the fact that the number of indicted persons in the custody of the Tribunal has risen threefold in the past year. This certainly is significant and welcome progress. Nevertheless, there are fewer grounds for optimism when one looks more closely at who is actually in custody.

Crimes are committed by individual perpetrators and not by an ethnic group or a nation. Every crime, no matter the ethnicity of the perpetrator, must be examined on its own merits, in accordance with the available evidence and the applicable law. However, due to the magnitude of the crimes committed, time constraints and the scarcity of other resources available to the Tribunal, it cannot prosecute all of the numerous perpetrators of war crimes. Rather, it has to carry out its work in a selective manner. Therefore, if a selective approach is unavoidable, the cases brought before the Tribunal must at least be representative. For both moral and political reasons and for the historical record, they have to reflect the extent and the level of involvement of the various sides in the war crimes committed, through the exercise of prosecutorial discretion.

Unfortunately, to date, prosecutorial discretion has not been successfully exercised in this way. In this regard, one cannot overlook the glaring fact that to date no one has been indicted for the well-documented crimes targeted specifically against Bosnian Croats. This deficiency seriously undermines the very objectives of the Tribunal: justice, a truthful account of what took place during the conflict, and, ultimately, healing and reconciliation.

Although more representative of the responsibility of members of various groups for war crimes than last year, the breakdown of the indictees in custody is still far from satisfactory. Bosnian Croats and Muslims constitute the majority of the persons in custody, despite the fact that they belong to ethnic groups which were predominantly the victims, rather than the perpetrators, of war crimes. This striking paradox can primarily be attributed to the lack of cooperation of the Federal Republic of Yugoslavia and the Republika Srpska authorities with the Tribunal, and the lack of determination on the part of the Security Council to support the Tribunal it has created, by means of enforcement measures, if necessary.

Croatia cannot accept the fact that those indicted for the crimes committed in Vukovar exactly seven years ago, namely, Mrksic, Sljivancanin and Radic, remain beyond the Tribunal's reach. The process of reconciliation hinges upon bringing them to justice. The same could be said in respect of Martic, Karadzic and Mladic, and others as well.

Can the responsibility for the failure to accurately reflect the responsibility for war crimes committed and to arrest the indicted perpetrators be attributed to the Tribunal alone? No, especially not following the recent letters of the President of the Tribunal to the Security Council — S/1998/839, S/1998/990 and S/1998/1040 — seeking its support to fulfil the Tribunal's mandate by bringing indicted war criminals into custody. The burden of responsibility for an efficient and effective functioning of the Tribunal, after these letters, rests with the Security Council.

In this respect, Security Council resolution 1207 (1998), adopted a few days ago, is encouraging. My delegation hopes that the decision to adopt the resolution under Chapter VII of the United Nations Charter and to further monitor its implementation reflects the new commitment of the Council to protect the authority and credibility of the Tribunal and of the Council itself.

The efficiency of the International Criminal Tribunal for the Former Yugoslavia has an importance transcending this ad hoc Tribunal, since it sets a precedent for the International Criminal Court.

Let me conclude with a question. If the Tribunal, which was created and has been supported by the enforcement power of the Security Council, is not efficient, then how can we expect efficiency from the International Criminal Court, which will be based upon the acceptance of the parties of a multilateral treaty?

Mr. Abdel Aziz (Egypt) (*interpretation from Arabic*): I should like at the outset to thank Judge Gabrielle Kirk McDonald, President of the International Criminal Tribunal for the Former Yugoslavia, for the report she introduced today. In that report, she dealt wisely and efficiently with the achievements of the Court during the previous period, on one hand, and the problems encountered by the Court during its work and its approaches to those problems on the other.

Before commenting on her statement to the Assembly today and on the report which is before us, I should like to convey our gratitude to the highly esteemed judges who constitute the Tribunal and its the three Trial Chambers for their consistent and outstanding efforts in difficult circumstances permeated by practical challenges.

As the Assembly takes up the problems facing the Tribunal, these should be divided in two categories. The first category relates to the financial and logistical support for the work of the Tribunal enabling it to undertake its tasks efficiently. This support should include providing the Tribunal with the appropriate number of qualified judges who would dispose of the cases expeditiously, together with the requisite linkage that should exist between this Tribunal and the International Criminal Tribunal for Rwanda. This is due to the complementarity of the Chambers of the two Tribunals as regards their caseload. In addition, there is a need to have in place an efficient communication system which aims at linking the two Tribunals so that cases can be expedited.

The support that I mentioned requires the United Nations, particularly the General Assembly, to consider an increase in the Tribunal's budgetary resources, especially after the establishment of an additional Trial Chamber. It also requires Member States to make generous contributions to support the Tribunal's budget and, consequently, to strengthen its work so that the perpetrators of barbaric crimes can be prosecuted. The delegation of Egypt associates itself with the appeal to all States to make generous voluntary contributions to strengthen the Tribunal's work. My delegation promises that my Government will provide as much as it can of the necessary financial and political support so that the Tribunal can carry out its responsibilities with the efficiency which we all hope for.

Since we are talking about substantive problems encountered by the Tribunal, we would like to express our regret at the continuing non-cooperation of the Federal Republic of Yugoslavia and the Republika Srpska with the Tribunal. All statistics prove that Bosnia and Herzegovina and Croatia are cooperating with the Tribunal as much as they can, while the Federal Republic of Yugoslavia, not content with its non-cooperation, also tries to limit the Tribunal's credibility and its ability to get work done. This is clearly shown by the letter sent to the President of the Security Council by the President of the International Criminal Tribunal for the Former Yugoslavia for 1995 and 1996. It is even better demonstrated by the letters from the current Tribunal President, Judge McDonald, to the President of the Security Council on 8 September 1998, 22 October 1998 and 6 November 1998, all of which reveal a number of Yugoslav violations with regard to their obligations to cooperate with the Tribunal in accordance with Security Council resolutions and the Dayton Agreement.

The work of the Tribunal had previously been obstructed by Yugoslavia's collusion with the Republika Srpska in not apprehending either Karadzic or Mladic, who are the subject of international arrest warrants. On the contrary, the candidacy of these two individuals for the presidency of the Republika Srpska was supported. This was followed by the failure to detain three individuals who have been accused of killing 260 innocent civilians after the fall of Vukovar in 1991. The Republika Srpska has supported these individuals, paying them salaries so that they can escape the Tribunal.

These are just a few examples of the total refusal of the Federal Republic of Yugoslavia to cooperate with the Tribunal. To prove that these flagrant violations are just examples of this general trend, I will mention that the Federal Republic of Yugoslavia has not taken the necessary steps with regard to its domestic law to implement paragraph 4 of Security Council resolution 827 (1993) and the Statute of the International Tribunal, which sets forth the need to enact national legislation to facilitate cooperation with the Tribunal. This trend is not only indicative of the defiance by the Federal Republic of Yugoslavia of the resolutions of the Council and of the Tribunal's Statute; it is also a flagrant violation of its commitments, under the Dayton Agreement, to cooperate fully with the Tribunal. This puts the Federal Republic of Yugoslavia in a position which may threaten international peace and security, requiring decisive intervention by the Security Council to force it to cooperate.

Another matter which causes us great anxiety is that the agreements concluded with regard to the situation in Kosovo did not explicitly oblige the Federal Republic of Yugoslavia to cooperate with the Tribunal in the manner implied in resolutions 1160 (1998) and 1199 (1998). What heightens our concern further are the statements made by the President of the Republika Srpska to the effect that no person shall be prosecuted in State courts for crimes related to the present conflict in Kosovo, except for crimes committed against humanity and international law. These statements make no mention of the jurisdiction of the International Tribunal, which shows that this is a covert attempt by the Republika Srpska and the Federal Republic of Yugoslavia to evade the Tribunal's jurisdiction applicable to them both.

When it adopted resolution 1207 (1998), the Security Council, acting under the authority of Chapter VII of the Charter, took note of the danger inherent in this situation and of the need to adopt a clear-cut position with regard to it. But the resolution, while it condemns

the failure of the Federal Republic of Yugoslavia to cooperate with the Tribunal, lacks basic elements which we view as constituting important pressure points vis-á-vis the Federal Republic of Yugoslavia. The most important of these missing points is the authorization for the Stabilization Force and the International Police Task Force to arrest individuals for whom arrest warrants have been issued or against whom specific charges have been made so that they could be prosecuted by the Tribunal.

Cooperation with the Tribunal is an integral part of the peace process in the Balkans, and we should not slacken our efforts in this regard. The Security Council, when it deals with this subject, should not succumb to any pressure to coerce it into accepting less than the fullest commitment by all the parties concerned, especially the Federal Republic of Yugoslavia and the Republika Srpska, to cooperate fully with the Tribunal, in good faith and in a manner which would enable to Tribunal to achieve its objectives in fostering peace and security in the Balkans.

Mr. Mochochoko (Lesotho): The underlying reasons for building institutions whose objectives are to dispense international criminal justice were captured by President Clinton when he said:

> "We have an obligation to carry forward the lessons of Nuremberg. Those accused of war crimes, crimes against humanity and genocide must be brought to justice. They must be tried, and if found guilty, they must be held accountable. There must be peace for justice to prevail, but there must be justice when peace prevails."

In 1993, when the international community decided to establish the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, it reaffirmed its commitment to the principles of peace and justice. Today, as we consider the fifth report of the International Criminal Tribunal for the Former Yugoslavia, we are gratified to note that the Tribunal has made significant progress towards achieving the goals for which it was set up: dispensing justice to the victims of atrocities in the former Yugoslavia, preventing further abuses of international humanitarian law and preserving the historical memory of those atrocities.

Five years ago, sceptics were unanimous in declaring that the International Criminal Tribunal would never see the light of day. We hear the same arguments with regard to the International Criminal Court today. The question was asked: if the ad hoc Tribunals do not work, if they are mismanaged, if they do not achieve the voluntary surrender or apprehension of indictees, if they do not achieve transfer of indictees to the headquarters of the tribunals, if they do not achieve convictions or acquittals and fair trials, then what is to lead us to believe that a permanent international criminal court could do a better job? The two pioneer Tribunals for the former Yugoslavia and for Rwanda continue to show that the international community's resolve to build institutions worthy of the United Nations and to dispense international criminal justice remains unshaken.

The report before us today provides answers. It reveals an increase from 9 to 29 in the number of indictees since the last report, the voluntary surrender of indictees as the Tribunal's net closes around them, the surrender of indictees by States that in the past have been particularly intransigent to the Tribunal, and guilty pleas by some of the accused. In other respects as well the facts speak for themselves. Among the notable successes highlighted by the report are the increase in the Tribunal's trial and pre-trial activities, the increased and improved activities of the Office of the Prosecutor in its investigations and prosecution, the improvements in the management and administrative capacities of the Registry and the construction of two additional courtrooms. All of these developments leave no doubt that the Tribunal is now fully equipped to dispel fears that international criminal justice can never be achieved.

Who could have predicted that a Tribunal which a mere five years ago was in its infancy with 11 newly elected judges, thousands of victims seeking redress, no premises of its own, no staff, no budget and no courtroom could today boast of having only a few metres to go on its last lap to develop its capacity to play the momentous role for which the international community set it up?

I wish to focus on an issue of critical importance for the success of the Tribunal, an issue which will no doubt be equally critical for any future permanent international tribunal, and that is States' cooperation. In the context of the International Criminal Tribunal for the Former Yugoslavia, the Dayton Accord requires all parties to cooperate fully with investigations and prosecution of war crimes and other violations of international humanitarian law. In particular, article 29 of the Statute of the Tribunal imposes a similar duty on all members of the international community to comply without delay in the

arrest or detention of persons indicted for war crimes and the surrender or transfer of the accused to the International Tribunal. The cooperation of the States of the former Yugoslavia remains particularly imperative, as without such cooperation it will be difficult, indeed impossible, to bring the accused to The Hague for trial.

Even though over the years the international community has failed to fully honour its obligations to the International Tribunal, recent developments indicate a readiness, particularly on the part of some of the major players, to cooperate with the Tribunal. We commend the efforts of the Peace Implementation Council, and we welcome the cooperation extended to the Tribunal by Prime Minister Dodik of the Republika Srpska and the Stabilization Force (SFOR). The need for continued assistance by the Stabilization Force, as well as involvement of the Implementation Force (IFOR), cannot be overemphasized.

It is unfortunate, however, that some of the most important figures who masterminded the mass killings of innocent civilians and who have been indicted by the Tribunal still remain in control of both the political and military forces in the region. It is particularly reprehensible that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) has to date failed and/or refused to transfer three well-known indictees to the International Criminal Tribunal and has refused to cooperate with that body, in violation of the Dayton Agreement, the United Nations Charter and the relevant Security Council resolution. The time has come for the international community, through the Security Council, to be proactive and use the means at its disposal to force compliance and to arrest all remaining indictees. While we commend recent Security Council resolution 1207 (1998), condemning these failures and reiterating the Council's call for the Federal Republic of Yugoslavia to fully cooperate with the Prosecutor, we urge the Council to take decisive action to ensure that the Federal Republic of Yugoslavia does not continue to be a haven for fugitives from international law. The repeated call for all States to bring their domestic laws into conformity with their obligations towards the Tribunal, in accordance with Security Council resolution 827 (1993), must be given the seriousness it deserves.

We cannot but agree with the assessment in the report that the Tribunal still has much to do before it can be credited for successfully meting out justice for the victims of massacres in the former Yugoslavia. We trust that the international community will continue to give the Tribunal the necessary financial and other resources to enable it to carry out its functions. In this regard, we congratulate the newly elected judges who are about to join the Tribunal. They take up their important responsibilities at a particularly critical juncture, when the Tribunal is becoming inundated with indicted persons, a time when additional responsibilities have been given to the Tribunal for prompt and complete investigation of all atrocities committed in Kosovo and a time when the Tribunal has to redouble its efforts to effectively fulfil the mandate entrusted to it.

We commend the Tribunal for formulating new procedures that will enable it to better regulate proceedings at the pre-trial stage, with a view to conducting trials more expeditiously. We trust that care has been taken to ensure that the amended procedures remain sufficiently rigorous to protect suspects from groundless charges, while also imposing a reasonable burden on the Prosecutor.

In conclusion, my delegation commends Judge McDonald for the enlightening report and for her untiring efforts and leadership of the Tribunal. We also commend the skilled and dedicated team of judges and staff of the Tribunal for their hard work under trying circumstances. The continued support of the Government and people of the Netherlands has enabled the Tribunal to develop and function efficiently, and we thank them for their support and cooperation.

Ms. Baykal (Turkey): Ending conflict and human suffering and then achieving peace without sacrificing justice constitute the most fundamental objective of humankind. Although the signing of the Dayton Peace Agreement and its imperfect implementation brought about peace and ended human suffering in the territory of former Yugoslavia, justice has not prevailed fully. In this context, the successful functioning of the International Criminal Tribunal for the Former Yugoslavia is imperative for the full implementation of the Dayton Peace Agreement, as well as for the establishment of lasting peace in Bosnia and Herzegovina.

I would like to thank the President of the Tribunal, Judge Gabrielle Kirk McDonald for her enlightening and informative presentation of the fifth annual report of the Tribunal. We are glad that the developments during the period from 1 August 1997 to 27 July 1998 show significant progress by the Tribunal in fulfilling its mandate. In this reporting period, 19 new accused persons have either been arrested or have surrendered voluntarily.

Progress by the Tribunal in fulfilling its mandate depends on the cooperation of the States and the entities which are within its jurisdiction. In this context, we welcome the cooperative approach demonstrated by the two States — namely Bosnia and Herzegovina and the Republic of Croatia. We take note of the fact that there was a sign of increased cooperation from the Republika Srpska this year. However, 31 indictees remain at liberty, the great majority of whom are believed to be on the territory of Republika Srpska or in the Federal Republic of Yugoslavia (Serbia and Montenegro).

The International Criminal Tribunal for the Former Yugoslavia has a workload that has increased dramatically this year. The number of accused in custody has more than tripled, the trial activity has increased and the Office of the Prosecutor has initiated an investigation into the events in Kosovo as well. The Security Council, in its resolution 1160 (1998) of 31 March 1998, requested the Prosecutor to begin gathering information related to violence in Kosovo that may fall under the Tribunal's jurisdiction. We fully support the Prosecutor's investigation into the violent incidents in Kosovo and hope that the perpetrators of these heinous acts will be brought to justice in a speedy manner. We would like to express our regret at the uncooperative attitude displayed earlier by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) regarding the visa applications of the members of the Tribunal.

In this respect, we support the main thrust of Security Council resolution 1207 (1998) adopted two days ago, on 17 November, which deplores the continued failure to cooperate of the Federal Republic of Yugoslavia (Serbia and Montenegro). However, we would have preferred to have stronger language demanding compliance from that State, in accordance with its obligations under the Dayton Peace Agreement.

Taking into account the increase in the workload of the Tribunal because of the developments above, three judges were elected by the General Assembly to serve in the new Trial Chamber. We congratulate the newly elected judges.

On the whole, we appreciate the work done by the Tribunal and recognize its crucial difficulties — as indicated by the President herself this morning — the most important one being the need to apprehend the military and political leaders who were indicted and who are still at large. Therefore, despite numerous accomplishments, the Tribunal, through no fault of its own, remains a partial failure. We are still most disappointed by the fact that while we have a fully functional Tribunal in The Hague, enjoying the full support of the international community, the military and political leaders responsible for grave violations of humanitarian law and the acts of ethnic cleansing in Bosnia and Herzegovina remain free.

If justice is achieved in time, the wounded conscience of the people who have suffered can heal, once and for all, and lasting peace thus can be established.

Mr. Ka (Senegal), Vice-President, took the Chair.

Mr. Niehaus (Costa Rica) (*interpretation from Spanish*): My delegation is participating with particular interest in the discussion of agenda item 48 on the report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.

The Tribunal was established six years ago last May. Those six years have been a historical period for international law and, in particular, for the international administration of justice. Since its establishment, the Court has achieved highly positive results. It has defined its Rules of Procedure, it has heard a small but important number of cases and progress has been made in its institutional and administrative consolidation.

The work of that body has been of far-reaching importance to the development of international humanitarian and human rights law. Its jurisprudence has become an authoritative interpretation of customary international law and a driving force in the progressive development of these issues in areas in which there are still gaps or imprecisions. We are particularly pleased with the progress achieved in the definition of the Rules of Procedure and in practice relating to the protection of victims and witnesses, as well as in the correct interpretation, characterization and classification of offences committed against women and girls.

In this regard, Costa Rica feels it important to stress that the work and very existence of the Tribunal gave significant momentum to the negotiations that culminated in the creation of the International Criminal Court. There is no doubt that this new body reveals the existence of a growing awareness within the international community of the need to repudiate and prosecute the most serious crimes against humanity. My country takes this opportunity to reaffirm its view that, in contrast to the

new Court, the special tribunals set up by the Security Council are merely temporary and ephemeral placebos, whose role is confined to exceptional emergency situations in which a genuine threat exists to international peace and security.

Justice is an essential component of peace and reconciliation. We cannot speak of reconciled post-conflict societies so long as impunity persists and until the truth is brought to light and the perpetrators of the most horrible atrocities are punished. In this context, my country is firmly convinced that the persistence of impunity in the former Yugoslavia undermines the process of peace-building and reconciliation by inciting the victims to vengeance and bolstering the arrogant pride of the aggressors.

We are firmly convinced that the lack of cooperation with the Tribunal on the part of some Governments, local authorities and international entities should be absolutely rejected by the international community. It is vital for the authorities of the Republika Srpska, the Federation of Bosnia and Herzegovina and the Federal Republic of Yugoslavia to fulfil their international obligations in this regard. It is vital for those authorities, without procrastination or excuses, to arrest and extradite to the Tribunal the indicted persons on their territory. Those arrests can no longer be postponed. In the same vein, Costa Rica calls attention to the vital need for those authorities to cooperate with evidence-collection activities and to provide every means to facilitate the deposition of witnesses. Furthermore, all possible suspects of crimes that are not subject to trial by the International Tribunal should be brought to trial by those authorities. The existence of The Hague Tribunal in no way exempts these national or local authorities from their duty to administer justice and punish the perpetrators of these crimes.

On another point, I must say that my delegation takes note with particular attention of the contents of the report of the President of the International Tribunal on that legal body's administrative and financial situation. Costa Rica takes this opportunity to reaffirm that the Tribunal's important work requires more resources and more staff. The Organization's financial authorities and our representatives on the Fifth Committee should make a greater effort to ensure that the Tribunal can rely on the requisite and sufficient resources to guarantee the validity of the principle of prompt and due process.

In conclusion, I take this opportunity, before the highest political forum of the United Nations, to reiterate Costa Rica's resolute support for the International Tribunal on the Former Yugoslavia, whose defining and pioneering work is an example of great juridical — and above all ethical and moral — dedication and commitment to the cause of peace, reconciliation and combating impunity.

Mr. Hasmy (Malaysia): At the outset, my delegation wishes to extend its profound appreciation to the President of the International Tribunal for the Former Yugoslavia, Justice Gabrielle Kirk McDonald, and to her team of dedicated judges and officials for the efforts they have exerted in carrying out the responsibilities of the Tribunal. We are particularly grateful for the comprehensive annual report of the Tribunal that has been submitted to this Assembly in document A/53/219. We also thank Justice McDonald for her very clear presentation today. My delegation fully shares the interests of other members of the international community in the work of the Tribunal and has closely studied the report before us.

At the same time, we would like to take this opportunity to express our happiness that the Tribunal is now able to function fully with the necessary support and assistance of the international community in terms of facilities and other resources. My delegation welcomes the establishment of the third Trial Chamber of the Tribunal in accordance with Security Council resolution 1166 (1998). We also offer our sincere congratulations to the new members of the Tribunal who were successfully elected by the General Assembly recently. We are confident that they will be able to join the other members of the Tribunal in applying their knowledge, skills and experience to fully discharging their functions and responsibilities in accordance with the mandate of the Tribunal. We also welcome the recent judgements made by the Tribunal.

Malaysia remains convinced that the work of the Tribunal will provide an important contribution towards the restoration of peace and stability in the former Yugoslavia. The Tribunal continues to carry out the formidable tasks entrusted to it by the international community to bring to justice the perpetrators of war crimes and crimes against humanity committed in the territory of the former Yugoslavia since 1991. The success of the Tribunal in implementing these important tasks will go a long way towards serving the cause of justice and contributing to the restoration of peace and stability in the countries of the former Yugoslavia, in particular Bosnia and Herzegovina. We firmly believe

that justice must be done for the victims of the horrendous crimes of genocide and ethnic cleansing to buttress reconciliation efforts in Bosnia and Herzegovina and elsewhere in the former Yugoslavia.

My delegation is pleased to note that during the reporting period substantial improvement has been made with respect to compliance with obligations under international law and the enforcement of the Tribunal's orders. This improvement is measured by the threefold increase in the number of indictees that have been brought into the custody of the Tribunal.

My delegation notes with serious concern, however, that 31 indictees still remain free, despite the fact that some of them were indicted almost four years ago. We have always emphasized the need for all the parties involved in the implementation of the Dayton Peace Agreement to extend their full cooperation to the Tribunal. The persistent and continuing rejection of Tribunal orders by certain parties, principally the Federal Republic of Yugoslavia (Serbia and Montenegro), to execute arrests of the indicted war criminals residing in its territory should not be further tolerated. The continuing refusal by the Federal Republic of Yugoslavia to take necessary steps to surrender the indicted war criminals would have far-reaching consequences. Such a blatant attitude of non-compliance and, indeed, obstruction on the part of the Federal Republic of Yugoslavia clearly undermines international law and the relevant Security Council resolutions.

My delegation fully supports the position taken by the Security Council in its resolution 1207 (1998) on 17 November 1998. We condemn the failure of the Federal Republic of Yugoslavia to execute the arrest warrants issued by the Tribunal against the three individuals referred to in a letter from the President of the Tribunal to the President of the Security Council dated 8 September 1998.

My delegation also expresses its serious concern over the fact that two major indictees, Radovan Karadzic and Ratko Mladic, have remained at large, despite being indicted twice already as well as being served with an international arrest warrant. We call upon those concerned to make every effort to ensure that they are brought to justice. It is imperative that the provisions of Security Council resolution 827 (1993) and the statute of the Tribunal be fully implemented.

My delegation hopes that the multinational force in Bosnia and Herzegovina will continue to play its crucial role in assisting the Tribunal in carrying out its mandate. We are pleased to note that there has been a productive working relationship between the Tribunal and the Stabilization Force (SFOR) as well as the United Nations International Police Task Force (UNIPTF) in this regard. Such constructive cooperation should be further enhanced. We believe that SFOR, the IPTF and the Tribunal could complement each other's roles for the achievement of the common objective of restoring peace and security and serving the cause of justice in the region.

My delegation believes that the Tribunal should also be in a position to investigate possible violations of international humanitarian law in Kosovo. We therefore welcome the Security Council's decision to authorize the Tribunal to carry out such investigations on cases that fall under its jurisdiction. In this regard, we appeal to the concerned parties to extend their full cooperation to the Tribunal.

The international community must ensure that justice will be served to the satisfaction of, first, those individuals and their families who have suffered due to the heinous and brutal crimes committed against them in Bosnia and Herzegovina and other parts of the former Yugoslavia and, secondly, the international community as a whole. Crimes against humanity, as well as acts of genocide and ethnic cleansing, should not be allowed to go unpunished. The Tribunal deserves the strong support of the international community. Malaysia will provide the necessary support and assistance within its means.

Mr. Shin Kak-soo (Republic of Korea): Since the end of the cold war, we have witnessed the frequent outbreak of internal wars. Serious violations of international humanitarian law are putting human security in grave danger. My Government firmly believes that a judicial organ designed to dispense international criminal justice serves as an effective means to stop and prevent such horrendous crimes.

When the International Criminal Tribunal for the former Yugoslavia was established in 1993, many viewed the establishment of the Tribunal with scepticism, fearing a potential impediment to political negotiations aimed at resolving the conflict. Convinced that there could be no lasting peace without justice, those committed to the creation of this Tribunal overcame mistakes and mishaps that arose from the complex and difficult nature of this venture and successfully brought the Tribunal into operation.

Five years later, the ideals of the advocates for the International Criminal Tribunal for the former Yugoslavia have proved to be right. The presence of the Tribunal has not posed any obstacles to the conclusion and implementation of the Dayton peace accord. Rather, the Tribunal's prosecution and punishment of offenders of egregious crimes, such as genocide, crimes against humanity and war crimes, created a sense of justice conducive to reconciliation among the parties embroiled in that tragedy. The work of the Tribunal has also served to get rid of the culture of impunity still haunting that war-torn region and will thereby have a deterrent effect against the future recurrence of such serious violations in the region.

Against this backdrop, my delegation notes with satisfaction the remarkable progress made last year in the Tribunal's work, as presented in its fifth annual report, contained in document A/53/219. In this connection, we commend the President, Judge McDonald, and other members and staff of the Tribunal for their tireless efforts to cope with the increased volume of work.

My delegation welcomes the threefold increase in the detention of accused persons as a sign of the growing effectiveness of the Tribunal, though many important accused persons are still at large. Thanks to the growing number of voluntary surrenders, active uses of sealed indictment, robust pursuit by the Stabilization Force of indictees and increased cooperation of the States and entities of the former Yugoslavia, this drastic increase was made possible. The arrest of other important indictees still at liberty should be sought relentlessly in order to demonstrate that justice is brought to main culprits too. In this connection, my delegation strongly urges the States and entities of the former Yugoslavia, in particular the Federal Republic of Yugoslavia, to cooperate fully with the Tribunal to execute arrest warrants issued by it without further delay.

As indicated in the annual report, it is also encouraging that the Tribunal's administrative infrastructure has been strengthened to support its expanded activities. The addition of the Third Chamber this year is expected to lessen the burden of the Tribunal, whose docket has already reached full capacity for its second four-year judicial term. The amendments to the rules of procedure and evidence are also opportune for accommodating the increased demand of trials. In addition, we hope that the Tribunal will be vigilant of the efficient use of its huge budget, now totalling almost $62 million.

My delegation is pleased at the prospect of enabling the Prosecutor to return to the past level of investigative activities, which were scaled down by the redeployment of staff from investigation to trial preparation. In view of the likelihood of forfeiting evidence with the passage of time, an appropriate level of investigation should be sustained. In particular, the Prosecutor's decision to investigate violence in Kosovo was quite momentous in the light of the flagrant violations of international humanitarian law reportedly taking place there. As endorsed by the Security Council in resolution 1207 (1998), adopted last Tuesday, the Tribunal is vested with the territorial and temporal jurisdiction over crimes falling under its statute that were committed in Kosovo. We are convinced that active investigations by the Tribunal will contribute to preventing further violence in Kosovo.

Let me now turn to the significant role of the Tribunal for the Former Yugoslavia in the quest for a permanent international criminal court. After four years of tough negotiations, the Rome Diplomatic Conference adopted the Statute of the International Criminal Court (ICC) last July, with the overwhelming support of the participating countries. Thus, we are now entering into a second stage of the establishment of the ICC. Next year, the Preparatory Committee will embark on the preparation of proposals for practical arrangements for the establishment of the Court, including its draft rules of procedure and evidence.

Despite some fundamental differences in the legal basis and power of the two judicial organs, the record of the Tribunal for the Former Yugoslavia serves as a useful guide in the preparatory process for the ICC. This was already demonstrated when the Preparatory Committee prepared the final text of the draft Statute for the Rome Diplomatic Conference. My delegation looks forward to the Tribunal's continued contribution to the work of the Preparatory Committee.

One of the most important contributions of the Tribunal for the Former Yugoslavia must be the accumulation of precedents for the upcoming permanent Court. Together with the International Criminal Tribunal for Rwanda, the Tribunal will provide an abundant source of case law for the ICC, whose actual operation is expected to begin several years from now. The ICC can start its work as a continuation of the two ad hoc Tribunals; their judgements will help the ICC in both the substantive and procedural aspects of the exercise of its judicial function.

Let me cite a few examples. From the viewpoint of substantive law, the judgement of the Appeals Chamber in the Erdemovic case on the role of duress in the commission of crimes will be a useful precedent for the ICC to interpret and apply the relevant provision of its Statute. From the viewpoint of procedural law, the judgement of the Trial Chamber in the Blaskic case on the value of hearsay evidence will be another good example. Therefore, the Tribunal will assist the Court in averting difficulties that might arise from the paucity of precedents.

My Government has attached great importance to the successful operation of the Tribunal for the Former Yugoslavia, since it not only contributes to the promotion of the rule of law in international relations but serves the establishment and consolidation of peace in the long run. The international community's long-cherished goal of establishing international criminal justice is now within reach. Moreover, the norms of international humanitarian law that had remained in the realm of academic research are gaining practical meaning. However, the future of this new endeavour hinges on the will of the entire international community to ensure that the rule of law will prevail. Given the absence of its own enforcement arm, the cooperation and assistance of States is indispensable for the Tribunal's fulfilment of its mandate. Reaffirming our full support for the Tribunal, we hope it will make steady progress in its work.

Mr. Akbar (Pakistan): Allow me to begin by expressing our delegation's deep appreciation to Judge McDonald for her leadership and for her lucid presentation and preparation of the fifth annual report of the International Tribunal for the Former Yugoslavia. We would also like to pay tribute to her predecessor, Judge Antonio Cassese, for his pioneering role in the initial years of the Tribunal's establishment.

In the short period of its existence, the Tribunal has emerged as a full-fledged international criminal judicial institution. We are pleased to note the growing satisfaction within the Tribunal about the reinforcement of its capacity to achieve its defined objectives, which are so crucial to the international community. The relevant committee of the General Assembly should continue to pay due attention to the Tribunal's needs. During the period under review, the General Assembly took further steps to strengthen the Tribunal's structure by electing three additional Judges to the Tribunal for a Third Chamber. The Tribunal has also taken steps to reach out to the general public. The Tribunal's home page on the World Wide Web has been disseminating information for over a year, and we appreciate that the Tribunal is consistently working to improve this link with the people of the world who keenly follow its work.

We also take this opportunity to express our condolences on the sad death of Judge Haopei Li of China.

We share the view of the Tribunal that the international community cannot allow it to fail. The Tribunal says in its report,

> "For the abused, forgiveness is possible only when they know, and exceptionally, understand, the reasons for their suffering. For the abusers, forgiveness is possible only when they accept accountability." (*A/53/219, para. 285*)

Although the Tribunal has moved along that path and has a sufficiently full docket to ensure the completion of a second four-year judicial term, its task of bringing the abusers to accountability is difficult, and the responsibilities that it has to fulfil continue to be undermined by the constraints upon its functioning. The question of State cooperation is crucial to the Tribunal's success. Obtaining evidence is an equally critical aspect of the work of the Tribunal, which it cannot perform without the cooperation of States.

According to the Tribunal's report, 31 accused persons remain at large. These include the horrendous perpetrators of genocide and ethnic cleansing in Bosnia and Herzegovina, namely, Radovan Karadzic and Ratko Mladic. This is a continuing challenge to the conscience of mankind. In a letter dated 8 September, the President of the Tribunal also reported on the continuing refusal of the Government of the former Yugoslavia to cooperate with the Tribunal by failing to arrest and transfer to its custody three indicted persons. These men were indicted on 7 November 1995 for the murder of 260 unarmed men following the fall of Vukovar in November 1991. Since then, the three individuals have remained at liberty, allegedly residing in Serbia. The Federal Republic is the only signatory to the Dayton Agreement that has neither adopted legislation to facilitate cooperation nor taken steps to transfer to the Tribunal's custody indictees in its territory.

The President has informed the Member States that the Federal Republic has become a haven for fugitives from international law. It is an affront to the international community that the Federal Republic of Yugoslavia

persists in its refusal to afford the Tribunal that which has been accepted and is required of it. The Security Council has condemned the failure to date of the former Yugoslavia to execute the arrest warrants issued by the Tribunal against the three individuals referred to in the letter of 8 September and demanded the immediate and unconditional execution of those arrest warrants, including the transfer of those individuals to the custody of the Tribunal. We are looking forward to an early implementation of the Council's resolution and hope that the Council will be able to enforce its decision.

In spite of all the difficulties, the Tribunal has made efforts to improve upon its witness protection programme. We particularly note that in the Celebici trial some witnesses have benefited with this programme and cooperated with the Tribunal.

It is also encouraging to note that the Prosecutor has achieved some success in pursuing a strategy of seeking sealed indictments. Another positive development is the welcome cooperation extended by the Stabilization Force (SFOR) to detain and apprehend indictees and assist with the voluntary surrender of indicted persons. Paragraph 123 of the report states that the Tribunal considers it a "turning point" in getting a "renewed determination on the part of the international community to assist the Tribunal".

We also appreciate the cooperation that SFOR has extended in support of the Tribunal's work by enforcing international norms of professional media conduct. We hope that the Tribunal will continue to benefit from all the assistance that it needs.

The Tribunal has also persistently affirmed its territorial and temporal jurisdiction over serious violations of international humanitarian law taking place in Kosovo. The Security Council has reinforced the Tribunal's role in this regard through the adoption of resolutions 1160 (1998), 1199 (1998) and 1203 (1998), all adopted in 1998. We fully share the Tribunal's disappointment at the hurdles that have been put in the way of its carrying out the Security Council's mandate to this effect. The systematic genocide of ethnic Albanians by Serb occupation forces in Kosovo is a flagrant violation of human rights and Security Council resolutions. The brutal suppression of the civilian population by the Serb forces of occupation also constitutes a serious threat to the peace and security of the region. Effective steps are needed to put an end to the repressive measures against ethnic Albanians.

We agree with the Tribunal's assessment that events in Kosovo indicate the danger of complacency, and we also endorse the Tribunal's view, expressed in paragraph 293 of its report, that "the only effective response to such events is a firm and timely one."

The Council has taken one step to respond to that need, in resolution 1207 (1998). Acting under Chapter VII of the Charter, the Council reiterated its call upon the authorities of the Federal Republic of Yugoslavia to cooperate fully with the Prosecutor in the investigation of all possible violations within the jurisdiction of the Tribunal. The Tribunal's earlier letters to the Security Council, however, reflect that that step would not be enough. In her letter dated 6 November, for example, the President of the Tribunal reported on the continuing refusal of the Federal Republic of Yugoslavia to cooperate with the International Tribunal and its failure to issue visas to investigators of the Office of the Prosecutor. It remains to be seen whether resolution 1207 (1998) alone will be able to modify that behaviour. We urge the Council to ensure full compliance with its resolutions to enable the Tribunal to undertake investigations in Kosovo and Metohija.

Pakistan has been providing moral and financial support to the Tribunal. We have already contributed $1 million to the voluntary fund and join the appeal to the international community to further strengthen the Tribunal's financial resources. We appreciate the assistance that has been extended to the Tribunal, particularly for the exhumation programme.

In paragraph 299 of the report, the Tribunal states,

> "In hearing the victims' testimonies, it ensures that the ear of history, which has so often been deaf this century, is listening."

We reaffirm our full support to the Tribunal in fulfilling that important role and bringing the perpetrators of heinous crimes to justice.

Mr. Nejad Hosseinian (Islamic Republic of Iran): I wish to begin by expressing the appreciation of my delegation to Judge McDonald, the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, for presenting the fifth annual report of the Tribunal, contained in document A/53/219.

Five years ago the United Nations, by a historic decision, established an ad hoc International Tribunal to bring to justice the perpetrators of the most heinous crimes, which included genocide, ethnic cleansing, the massive rape of women, torture and the forcible displacement of civilians, all committed against Bosnian Muslims. This major step was taken with the wholehearted support of all members of the international community to send a clear message to the victims of such criminal acts — the dimensions and ramifications of which are beyond any explanation — that humanity will not turn its back on them and that the criminals will not be given the opportunity to escape apprehension and prosecution. Every member of the international community is convinced that there will be no real peace in the Balkans without justice.

The 86-page report before the Assembly illustrates various events and developments relating to the activities of the Tribunal in the past 12 months. It is abundantly clear that the Tribunal has flourished and turned into a full-fledged International Criminal Tribunal with the infrastructure and prosecutorial, judicial and administrative branches required for its smooth functioning and for discharging the important mandate entrusted to it. Moreover, the report explains the significant progress made by the Tribunal in acquiring the resources, the facilities and the cooperation of States and international organizations.

In the past year, the General Assembly and the Security Council have paid due attention to the shortcomings of the Tribunal, as was requested by its former President and supported by Member States of this Organization. The Security Council decided to increase the number of Trial Chambers from two to three, and the Assembly elected three Judges to serve in the new Chamber of the Tribunal. We congratulate the newly elected judges and wish every success to all the judges in fulfilling their mandate.

The increase in the budgetary resources of the Tribunal has enabled the Office of the Prosecutor to accomplish the investigative activities envisioned in its plan of work for 1997 and 1998. Furthermore, the Prosecutor extended its investigative activities to Kosovo, to collect information relating to violence in Kosovo that may fall under the Tribunal's jurisdiction, as required by Security Council resolution 1160 (1998). In this respect, I would like to emphasize that the authorities of the Federal Republic of Yugoslavia and the leaders of the Albanian community and all others should fully cooperate with the Prosecutor of the Tribunal in the investigation of all possible violations that fall within the jurisdiction of the Tribunal, as required by Security Council resolution 1207 (1998), adopted two days ago.

We note from the report that during the period under consideration, the Trial Chambers and the Appeals Chamber have been extremely busy with the cases before them. During the period under review, 19 persons accused of committing crimes under the jurisdiction of the Tribunal have been arrested, increasing the number of indicted persons in its custody to 27.

The report is also indicative of the increased support and cooperation rendered by States and international organizations for better functioning of the Tribunal in the preceding year. An increasing number of indicted persons from the territory of Croatia and Srpska have been surrendered to the Tribunal, reflecting the most visible sign of increased cooperation from the States and entities of the former Yugoslavia. In particular, the adjusted policy of the Sprska towards the Tribunal, in comparison with that of previous years, is an encouraging sign reflecting a new tendency and willingness to cooperate with the Tribunal for the benefit of all of the people of the former Yugoslavia and in the interest of humanity as a whole. We expect this new trend to evolve into full-fledged cooperation with the Tribunal.

Despite major achievements, the Tribunal still faces certain problems in discharging the mandate entrusted to it. According to the report before the Assembly, 31 of the Tribunal's indictees have not yet been arrested due to non-compliance with obligations on the part of certain States and entities. Moreover, the Tribunal is not in a position to gather and examine the evidence vital for its proceedings due to non-cooperation of these states and entities. In this respect, we welcome the adoption of Security Council resolution 1207 (1998) under Chapter VII of the Charter, demanding immediate and unconditional arrest and transfer of the three indictees of 7 November 1995 to the custody of the Tribunal. The Council's demand must be heeded by the authorities concerned.

In this context, my Government continues to support the work of the Tribunal and is prepared to fully cooperate with it in accordance with its international obligations.

In conclusion, I wish to emphasize that the success of the Tribunal in achieving its objectives is certainly a major step in promoting the rule of law and deterring the recurrence of the most heinous and barbaric crime by

man against man. It is in fact a victory for human decency. To this end, it is indispensable that all nations put in place all the measures required to enable the Tribunal to fulfil its mission. It is also essential that the United Nations, as the founder of the Tribunal, and the Security Council in particular, continue to support the Tribunal politically, financially and logistically and to ensure that demand for international justice prevails over the interests of a few States. Let us ensure by our actions as well as by our words that culprits of the most heinous crimes will not be treated with impunity.

Mr. Sacirbey (Bosnia and Herzegovina): Allow me first to thank all those who have participated in today's debate. I believe that the cause of peace and the work of the Tribunal have been furthered by your participation here today.

I should also like to thank Judge McDonald for her most thorough and helpful report. From her assessment, we can see that there has been some progress in cooperation with, and support for, the Tribunal. We commend the officials of the Tribunal for their efforts and success under sometimes quite demanding circumstances. Unfortunately, though, the failures to comply with the Tribunal's orders sound all too familiar and come from the same sources.

The bottom line is that the major culprits of genocide and war crimes remain free, and they continue to impede the work of peace and reconciliation.

We, the States and parties in the region, and in particular Bosnia and Herzegovina, have been repeatedly lectured, and told that the success of peace is up to us. We sincerely believe that. Nonetheless, how are we to understand such lectures when no distinction is made between those in the region who exhibit their commitment to peace with endless efforts and those States and parties that undermine the efforts? How are we — and how are the opponents of peace — to understand the fact that those who fail to comply with the Tribunal's efforts continue to be appeased rather than sanctioned?

For more than three years now, the President of the Tribunal — first Judge Cassese and now Judge McDonald — has come to the Assembly and named again the same non-abiding States and parties. And once again, no significant price has been paid by what Judge McDonald has termed rogue States and entities for their recalcitrant behaviour. Clearly, something is not right. Clearly, this body, or maybe more appropriately the Security Council and some of its most powerful members, do not have the will to carry out their responsibilities to the Tribunal, to the Assembly and to the victims and the people of my country and my region. I do not believe that we have to be so dramatic — and so oblivious to the truth — as to ask, "Where does the fault lie: with us or with our stars?". We know who the problems are over there, and here.

The excuse that somehow the Tribunal may impede peace is something that we cannot accept. If we look at the situation in Bosnia and Herzegovina, the recent arrest and handover of indicted war criminals have in fact succeeded in promoting peace in Bosnia and Herzegovina, while, on the other hand, the failure to comply has only worsened the situation in Kosovo because of the failure of certain States to cooperate with the Tribunal.

Bosnia and Herzegovina makes only one request here: we ask the Assembly please to respond positively to Judge McDonald's — the Tribunal's — appeal for assistance both in terms of resources and by executing its orders and arrest warrants, particularly through the Security Council and through the forces on the ground mandated to carry out such steps.

The Acting President (*interpretation from French*): We have heard the last speaker in the debate on this item.

May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 48?

It was so decided.

Agenda item 37 (*continued*)

Implementation of the outcome of the World Summit for Social Development

Draft resolution (A/53/L.34)

The Acting President (*interpretation from French*): Members will recall that the General Assembly concluded its debate on this agenda at its 32nd plenary meeting, held on 7 October 1998.

I call on the representative of Chile to introduce draft resolution A/53/L.34.

Mr. Larraín (Chile) (*interpretation from Spanish*): I take pleasure in introducing on behalf of its 134 sponsors draft resolution A/53/L.34, entitled "Implementation of the outcome of the World Summit for Social Development", under agenda item 37. The following additional sponsors should be added to those listed in document A/53/L.34: Australia, the Bahamas, India, Malta, the Federated States of Micronesia, New Zealand, Thailand and Tunisia.

The draft resolution once again reaffirms the commitments of the World Summit for Social Development to give the highest priority to policies for the promotion of social progress, social justice and the betterment of the human condition, based on participation by all.

It expresses profound concern at the seriousness of the current economic crisis in many regions of the world and in that context emphasizes the need for revitalized economic and social development within a framework placing people at the centre of our concerns.

The draft resolution stresses the critical importance of national action and international cooperation for social development, calling upon all Governments and the United Nations system to promote a gender perspective in the planning and implementation of policies and strategies on social development.

The text reaffirms that the mobilization of domestic and international resources for development is an essential component for the comprehensive and effective implementation of the outcome of the Summit, and in that connection underscores the importance of official development assistance and renewed initiatives with a view to finding a durable solution to the external debt problems of developing countries.

The draft resolution highlights the importance of the involvement of civil society and other actors in the implementation of and follow-up to the Declaration and Programme of Action of the World Summit for Social Development. The role of the United Nations system in the implementation of the Copenhagen commitments is also underscored, in particular the work of the Commission for Social Development, the Economic and Social Council, the regional commissions, the funds and programmes and the specialized agencies.

A section of the draft resolution is devoted to the year 2000 special session of the General Assembly and its preparatory process, in particular to the future work of the Preparatory Committee. The draft resolution reiterates that the objectives of the special session will be to reaffirm the Declaration and the Programme of Action agreed at the Summit and not to renegotiate them, to identify progress made and constraints encountered in the implementation of the Declaration and Programme of Action, and to recommend concrete actions and initiatives towards full and effective implementation of the Declaration and Programme of Action adopted at the Summit.

The draft resolution invites organs, funds and programmes, as well as the specialized agencies, of the United Nations system, including the Bretton Woods institutions and the World Trade Organization, to contribute to the preparatory process for the year 2000 special session by, *inter alia*, submitting proposals for further actions and initiatives with a view to the full and effective implementations of the commitments entered into at the social Summit. The draft resolution also invites the International Labour Organization, which because of its mandate, tripartite structure and expertise has a special role to play in the field of employment and social development, to be actively involved in the preparatory process and the special session. Likewise, the draft resolution reaffirms the invitation to Governments to contribute to the Trust Fund for the Follow-up to the World Summit for Social Development.

The draft resolution particularly thanks the Government of Switzerland and welcomes its offer to convene the special session in Geneva and decides that the special session will be held from 26 to 30 June 2000 in Geneva.

Before concluding, I would like to thank the Counsellor of the Permanent Mission of Brazil, Mrs. Marcela Nicodemos, for her excellent work. She presided with efficiency and celerity over the informal consultations that led to this draft resolution. I would also like to thank all the delegations and the Secretariat for their commitment and dedication to this draft resolution. I would like to extend very special thanks to the representatives of the two main negotiating groups, Ms. Esti Andayani of Indonesia as chair of the Group of 77 and China, and Mrs. Susanne Keppler-Schlesinger of Austria as president of the European Union.

For our part, I would like to reiterate the resolve of the Government and the Permanent Mission of Chile to continue to promote the follow-up and fulfilment of the commitments of the Social Summit, in particular in the

context of the preparatory work for the special session of the Assembly that we will hold in Geneva in June 2000.

My delegation hopes that, as in earlier years, the General Assembly will adopt this draft resolution by consensus.

The Acting President (*interpretation from French*): We have heard the last speaker in the debate on this item.

We shall now proceed to take a decision on draft resolution A/53/L.34.

May I take it that the Assembly decides to adopt draft resolution A/53/L.34 by consensus?

The draft resolution was adopted (resolution 53/28).

The Acting President (*interpretation from French*): May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 37?

It was so decided.

Agenda item 44 *(continued)*

The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development

Reports of the Secretary-General (A/53/288, A/53/315, A/53/421 and Corr.1)

Draft resolutions (A/53/L.20, A/53/L.22/Rev.2)

Mr. Anopuechi (Nigeria): Since this is my first time taking this podium, I want to join the previous speakers in commending the excellent manner in which the President has been conducting the affairs of the General Assembly. I have no doubt that his manifest qualities of leadership will crown our deliberations with astounding success.

For more than five years, my country has successfully addressed itself to measures to establish reconciliation and understanding within its borders and has been central to peace, reconciliation and stabilization measures in certain areas of our subregion of West Africa. The Federal Republic of Nigeria is therefore in a vantage position to appreciate the noble motives that inspired this agenda item, entitled "The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development".

The national and regional agreements that emerged in Central America will not be worth the paper on which they are written without the requisite resolve of the affected nations and peoples to carry out the commitments that they assumed under those agreements. The peoples of El Salvador, Guatemala and Nicaragua need to demonstrate the will to embark on reconciliation, reconstruction and rehabilitation, not just of their infrastructures but also of their level of resolve to move forward to be part of a new millennium of peace, which is now a global phenomenon. If they succeed, they will not only retain the admiration of their numerous friends — including that of my own country, the Federal Republic of Nigeria — but they will also undoubtedly enlarge their circle of such friends. It is our ardent wish to see the region move away from conflict and wars to a future which addresses the well-being of their peoples by embracing the benefits of science, technology, education and advances in health and democratic norms. My delegation believes that the Central American countries have no option but to succeed in their goal of national and regional peace and economic, political and social stability. In this endeavour — an initiative of the United Nations encouraged by a growing circle of friends — we wish them success.

Africa knows what the costs of wars and violent conflicts are, and at a certain period in our history we in Nigeria faced both the agony of waging war and the agony of restoring and nurturing peace. In the latter we knew and dreaded the cost of failure and did not wish to contemplate it. Our resolve pulled us through, with the encouragement of our friends. As a friend, my delegation encourages our Central American friends to follow the same footsteps, because the dividends could be enormous. The cost of failure, through lack of resolve to honour commitments, is too grim and should never be contemplated.

Finally, my delegation is so attracted by the generous and compelling sentiments and motives which inspired the authors of the draft resolution on agenda item 44 entitled "The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development" (A/53/L.22/Rev.2) that it wants to be associated with that draft resolution and urges the General Assembly to adopt it without a vote.

Ms. Heaphy (United States of America): My Government is pleased to co-sponsor the two draft resolutions on Central America before the Assembly today. These drafts recognize the tremendous progress that has been made in the Central American region towards peace, democracy and reconstruction after many years of turmoil and suffering. With the support of friends and of the United Nations, the Central American people have launched their countries on an irreversible path towards economic growth, social justice and regional cooperation. We are committed to remaining a partner in that process.

Hurricane Mitch has posed a new and deadly threat to the goals Central America has so bravely pursued. The United States wishes to express its profound grief and consternation at the tragic loss of life and the wholesale destruction of property and infrastructure caused by Hurricane Mitch. The timing of this disaster simply could not have been worse.

We reaffirm our abiding support for the victims of the hurricane. We commend the courageous leadership displayed by the Governments and civil society in the affected countries, as well as the laudable efforts of members of the international community that have contributed to the recovery.

For its part, the United States has moved quickly to provide emergency relief and to express our nation's solidarity with the victims of this terrible storm. Former President Bush visited Tegucigalpa just a few days after the rain stopped; Vice-President Gore's wife, Tipper, led a presidential delegation to Honduras and Nicaragua last week; and our First Lady, Hillary Rodham Clinton, is in the region this week.

In conjunction with the First Lady's visit, the United States is pleased to report that, to date, approximately $250 million of emergency relief goods and services have been allocated to the disaster-recovery efforts. Beyond initial deployments immediately after the hurricane, the United States has expanded its helicopter fleet to 55 and is providing engineering and road-building units, bridges, medical detachments and 11 water-purification systems.

The First Lady also announced a significant increase in food aid, a United States Agency for International Development (USAID) project with the Inter-American Development Bank to put micro-entrepreneurs back on their feet, and relief of up to $50 million of bilateral debt for Nicaragua and Honduras through the year 2000. The United States will take a leading role in organizing a meeting of international donors in Washington next month to discuss long-term financial assistance.

Besides official aid, private United States citizens have reached out to their stricken neighbours. Over $5 million of relief supplies have been donated, and a number of former Peace Corps volunteers have offered to return to Central America to contribute critical skills to the recovery effort.

Despite the terrible destruction caused by Hurricane Mitch, we are confident that the nations of Central America will remain firmly on the path to peace, freedom, democracy and development. Great progress has been made throughout the region in improving everyday observance of internationally recognized human rights, though work still remains to be done. The United States supports the efforts of entities such as the historical Clarification Commission in Guatemala to heal the wounds left by years of conflict. Furthermore, we are committed to helping the countries of the region to improve their police and judicial systems in order to confront the growing threat of violent crimes while protecting due process for the accused.

We recognize the invaluable contributions to the Guatemalan peace process by the United Nations Verification Mission in Guatemala (MINUGUA) and support its continuation. Likewise, we appreciate the support for the peace process expressed at the latest Consultative Group meeting in Brussels and look forward to further positive developments at the regional consultative group meeting scheduled for December.

As Central America rebuilds in the aftermath of Hurricane Mitch, the nations of the region can take strength from the broad international support represented by these two draft resolutions. Whether rebuilding roads or democratic institutions, we are with them — shoulder to shoulder — in the tasks that lie ahead.

Mr. Felicio (Brazil) (*interpretation from Spanish*): As we consider the reports of the Secretary-General on the United Nations Verification Mission in Guatemala (MINUGUA) and on the situation in Central America, today would normally be an occasion for congratulating once again the countries of Central America and the United Nations on the progress achieved in the process of the consolidation of peace, freedom and democracy since the signing of the Esquipulas II agreement in 1987. Our statement would warmly pay tribute to the efforts made by Central America to champion human rights and realize

the economic integration and sustainable development of the entire region.

But today these comments must go hand in hand with expressions of sorrow at the loss of thousands of human lives and the destruction of the infrastructure of the countries struck by Hurricane Mitch. That tragedy, witnessed with distress by the whole of the international community, could jeopardize the sustainability of the reforms under way in the region. It is from this perspective that we now consider the two draft resolutions under agenda item 44.

The first draft, contained in document A/53/L.20 and introduced by the representative of Mexico, authorizes the extension of the United Nations Verification Mission in Guatemala until 31 December 1999 to permit it to continue its work of verification of the General Peace Agreements signed between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca in December 1996. This is in response to the request of the parties that the duration of the mandate of the Mission should be the same as that of the implementation, compliance and verification timetable of the Peace Agreements: four years, from 1997 to 2000.

This extension is warranted by the successes achieved by the parties in the third phase of the implementation timetable of the commitments undertaken in the Peace Agreements. The most recent report of the Secretary-General on MINUGUA indicates that since the adoption of resolution 52/175, progress has been made towards political and cultural pluralism, with a marked increase in the involvement of the indigenous population in national life. The same report indicates that State institutions and society in general are devoting particular attention to social development and to the State's need to refocus its initiatives on the rural areas of the country and the most vulnerable groups of society.

These advances make MINUGUA an exemplary model of the consolidation of peace — a peace that is not defined simply as the absence of conflict but above all as a daily labour of political, social and economic construction in nations in which a peace process in under way. That endeavour involves also constant vigilance to guard against the threat of setbacks and against impunity for those who violate human rights.

The magnitude and scope of the challenges laid out in the Peace Agreements require the active involvement of the various components of the United Nations system devoted to economic and social development. It is clear to us that the General Assembly is the organ best suited to the tasks of authorizing and supervising an operation of this nature. This would avoid further burdening the heavy agenda of the Security Council with questions that, according to the Charter, should not be within its purview. In the time that we have shared with Costa Rica Latin America's representation on the Council, we have reviewed more than one case that could immediately have been transferred to the General Assembly.

In short, Brazil supports the initiative of draft resolution A/53/L.20, prepared by the Group of Friends of the Guatemalan peace process, taking into account the importance that my Government attaches to the peace process in that sister nation, particularly in its current phase of preparing for the presidential elections of November 1999.

The second draft resolution — contained in A/53/L.22/Rev.2, introduced by the Permanent Representative of Guatemala and co-sponsored by Brazil — appeals to the international community to provide special emergency cooperation and assistance for the rehabilitation and reconstruction of the countries affected by hurricane Mitch.

At this critical time, peace in Central America is closely bound up with the economic and social reconstruction of the affected countries. For its part, Brazil is already trying to convert its support into tangible assistance. In this respect, President Fernando Henrique Cardoso decided to send to the National Congress a proposal to forgive Nicaragua's and El Salvador's debt to Brazil. In the case of Nicaragua, the debt amounts to $117 million in loans to Nicaragua's national development bank and to its central bank. El Salvador's debt is about $200,000; it involves a loan to El Salvador's development and investment bank.

In addition to this proposal submitted to the Brazilian Parliament to cancel Nicaragua's and El Salvador's debt, the Government of Brazil is prepared to send medicine to the affected countries and may also be able to offer vaccines. An information-gathering mission of Brazilian army engineers and doctors is also preparing to go to the disaster zone. That mission is to precede the provision of an engineering battalion and field hospital.

The Brazilian people, who have participated in the peacekeeping missions in El Salvador and Guatemala and in demining activities in the region, are closely following the events in Central America. The challenges faced today by the nations of the isthmus are not fundamentally

different from those that all of Latin America is trying to surmount: the building of fairer and more united societies, respect for human rights, the establishment of democratic institutions, productive integration into the global economy and regional and subregional integration. In solidarity, we share the challenges faced by our Central America brothers. We are working for an integrated, just, prosperous and peaceful Latin America that will increasingly play a constructive role in solving the world's major problems.

Mr. Takasu (Japan): On behalf of my delegation, I would like to express my appreciation to the Secretary-General for his reports under the agenda item on the situation in Central America.

My delegation welcomes the considerable progress that has been achieved along the road to peace, democratization and the transformation of society in Central America. All internal conflicts have been settled, and peace now prevails throughout the region. Japan steadfastly supports the efforts of the Central American countries to solidify the progress that has been made and welcomes the determination of their political leaders to move towards closer cooperation and integration.

The peace process is not yet completed, however, and further efforts must be made to consolidate democratization and development. Central American countries still face enormous challenges: the alleviation of poverty, the establishment of social justice, respect for human rights. The devastation caused recently by hurricane Mitch destroyed much of what the Governments and the peoples in the region, particularly in Honduras and Nicaragua, had achieved through their reconstruction and development efforts in recent years. The serious problems facing Central America have thus been compounded by this natural disaster.

I would like to take this opportunity to extend my heartfelt condolences to the Governments and the peoples of the Central American countries that suffered unspeakable human and material loss. Japan is actively participating in international relief assistance efforts and has already extended immediate emergency relief assistance to Central American countries. In response to a request, Japan has also dispatched a 205-member disaster relief team to Honduras and a 16-member team to Nicaragua. Moreover, Japan plans to participate in the forthcoming Central American regional emergency consultative group meeting that will be hosted by the Inter-American Development Bank in Washington, D.C., at the beginning of December. As one of the top donors to the region, Japan will continue to play an active role in implementing measures to support the reconstruction and recovery efforts of Central America.

We sincerely hope the people and the Governments of the affected countries will join together so that they can recover from the devastation as quickly as possible.

With the establishment of peace, the countries of Central America have been able to make significant progress in the democratization process, the promotion of their market economies and the improvement of their peoples' living standards. Japan commends and continues to support the efforts of the countries of the region to build durable peace and democracy there. Annual meetings of the Japan-Central American Forum provide a useful basis for such cooperation and consultation on a wide range of issues of common concern, from the democratization process to economic development. Our concerns in the region stem not only from the socio-economic difficulties related to improving living standards but also from problems that may hinder further progress in the democratization process.

In Guatemala, the peaceful integration of the Unidad Revolucionaria Nacional Guatemalteca ex-combatants was successfully implemented under the observation of the United Nations Verification Mission in Guatemala (MINUGUA), which continues to verify the implementation of peace agreements. Further improvements must be made, however, in the areas of human rights, public security and judicial systems.

El Salvador is pursuing the democratization process on its own after the withdrawal of the last unit of the United Nations in June of this year. But we are concerned about the delay in the implementation of the Human Settlement Programme for ex-combatants due to difficulties in the processing of land purchases and registrations.

Japan hopes that the Governments will make every effort to further advance essential political and social transformation.

The United Nations system has played a vital role in the extraordinary transformation that has taken place in the countries of Central America. The United Nations itself and its sister organizations have supported the efforts of those countries to consolidate peace, democratization and development.

Japan supports the active engagement of the United Nations in Central America, particularly the continued presence of MINUGUA in Guatemala and United Nations participation in the peace-building process in El Salvador.

My delegation attaches great importance to the two draft resolutions before us and fully supports their adoption by consensus.

Mr. Pérez-Otermin (Uruguay) (*interpretation from Spanish*): Fifteen years have passed since this item was first included on the agenda of the General Assembly, and over this period we have witnessed profound changes in the region. The dynamic and changing political, social and economic situation has shown the positive evolution of Central America, which is now free from armed conflict, has strengthened democratic institutions and consolidated peace, protects human rights and promotes regional integration.

We are particularly pleased by the lofty spirit and high level of cooperation and integration shown by our Central American brothers. That spirit was reflected in the Declaration of Nicaragua of September 1997 and in the Esquipulas agreements, which have helped consolidate and strengthen the process of bringing peace to the region.

The positive and dynamic transformation of Central America has been made possible essentially by the efforts of the peoples and the Governments of Central America, although we must also acknowledge and express our appreciation for the important role played by the peacekeeping operations and verification and monitoring missions deployed by the United Nations in the region since 1989.

As a State that has been active in peacekeeping operations, Uruguay wholeheartedly supports the activities of the United Nations Verification Mission in Guatemala (MINUGUA), whose main role is to ensure full implementation of the Peace Agreements for a four-year period, until the end of the year 2000. The presence of that Mission is an excellent example of what the United Nations can do in the present era.

Peace and stability can finally prevail in all of Central America. However, we believe that it is necessary for the international community to continue to cooperate in ensuring the consolidation of the peace process. Now, in the wake of the catastrophe brought about by hurricane Mitch, there is an even greater need.

We have repeatedly said that there can be no peace without development. Given the present circumstances, therefore, cooperation is more necessary than ever. Uruguay has already contributed by sending two aircraft from our Air Force, containing food, medicine, clothing, blankets and equipment for a water purification plant able to provide drinking water rations for up to 60,000 people, together with technicians and installation crews.

Uruguay is thus demonstrating its solidarity with and sharing the challenges of our Central American brothers so that together we can work for a peaceful, democratic, integrated and prosperous Latin America. They can depend on the support and encouragement of the Government and the people of my country at all times.

Mr. Kafando (Burkina Faso) (*interpretation from French*): The consideration of this agenda item is very timely, as it is taking place at a time of tragedy for Central America in the wake of the disasters caused by the passage of hurricane Mitch. On behalf of the Organization of African Unity we should therefore like to take this occasion, in the light of the Secretary-General's exhaustive report before us this morning, to reaffirm to our brothers and to the peoples of that region, in this time of its ordeal, how close Africa is to them and how much we sympathize with their suffering.

As a land prone to natural disasters, experiencing drought and flood on a cyclical basis, Africa understands the appalling tragedy and the distress of all kinds endured by the inhabitants of Central America, who, in the space of a few hours, met with grief and desolation. It is the duty of the international community, in a spirit of unanimity, to provide aid to Nicaragua, Honduras, Guatemala and El Salvador, the four countries most seriously affected. There is good reason to offer very sincere congratulations to the Governments and bodies that have already responded generously to their distress.

The Secretary-General's assessment of the situation in Central America is certainly very encouraging. His report shows that, given what is at stake, the results achieved are convincing; but it also shows that, given the dangers, the situation is still precarious. That means that, more than in the past, these countries need peace and a genuine effort of national mobilization so as to achieve reconstruction. It must be recognized, as we read the report of the Secretary-General, that the United Nations has done a great deal to assist these countries in the area of security and conflict settlement, whether through peacekeeping verification missions or monitoring missions to help in the process of democratization. The

achievements appear to be encouraging, as they have helped dispel the spectre of civil war, especially in Guatemala since the establishment of United Nations Verification Mission in Guatemala (MINUGUA) and the demilitarization of the armed opposition. Furthermore, democratic culture is increasingly taking root through the enhancement of human rights and the observance of political pluralism, as can be seen in the Second Panama Declaration of 12 July 1997.

With regard to economic development, we should also welcome the activities of the United Nations, whose operational system has increased its assistance to the States of Central America in close cooperation with potential donors, including, principally, the European Union, the Bretton Woods institutions, the Inter-American Development Bank, the Paris Club and groups of friendly countries.

Furthermore, it is gratifying to see that the States of Central America are themselves endeavouring to organize and rationalize their own area and economic structures. Mexico has concluded a free trade agreement which we hope will be extended to other States in Latin America and even the Caribbean. In addition, the General Treaty on Central American Economic Integration will be able to play a regulatory role for inter-American and external trade.

However, as with our continent, Africa, we continue to believe that true salvation can come only from the Central American States themselves, as the external aid provided is only a temporary expedient. It is above all for the States themselves to design and put into effect their own development strategy on the basis of their own values, taking account of the unique nature and complexity of the problems of that region. I am referring, for example, to the agrarian reforms whose extreme importance in Latin America is recognized by all. I am also referring to the need for profound political reform and to national reconciliation, which requires all legitimate aspirations to be taken into account. If they are not, development will be compromised, as it can flourish only in the context of peace.

In conclusion, I should like to reaffirm Africa's readiness to help our brothers in Latin America, and especially in Central America. Even if our economic difficulties do not allow us to come to their aid in their current need, we share with them the same conditions of underdevelopment, the same ideal — that humankind should be at the centre of all development — and the same certainty of faith in the future.

We must therefore work to strengthen our solidarity and cooperation — South-South cooperation, whose advantages, though never before dreamt of, are enormous. In that perspective, greater concerted action between the Organization of American States and the Organization of African Unity could lay the ground for genuinely close relations between Africa and Latin America.

Mr. De Rojas (Venezuela) (*interpretation from Spanish*): At a time when our Central American brothers are mourning the victims claimed and the desolation wrought by hurricane Mitch, Venezuela reiterates its condolences over this terrible tragedy and to express its solidarity with the peoples and Governments of Honduras, El Salvador, Nicaragua and Guatemala.

In this respect, my country has made its contribution to the worthy international effort undertaken to get humanitarian assistance to those who need it most right now. It is Venezuela's hope that the difficult situation in which these countries find themselves will end as soon as possible so that they may continue along the road to social and economic development and political consolidation.

We welcome the comments contained in the Secretary-General's report on the situation in the Central America, in document A/53/315. In particular, we welcome the statement that

> "For the first time in decades, not one of the countries in the region is plagued by internal conflict." *(A/53/315, para. 43)*

The time of armed conflict is finally at an end and we are now living in an era of understanding among the various sectors of civil society, sustained by tolerance and the principle of pluralism.

Nevertheless, and as the Secretary-General indicates, we reiterate yet again the importance of tirelessly pursuing the efforts being made to consolidate the objectives of peace, freedom, democracy and development. In this connection, we note with pleasure the convening of the Tuxtla III conference, which took place at San Salvador in July this year, at which the heads of State of Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua and Panama agreed to join forces in political and economic areas and decided to act as partners in commerce, services and investment.

We also express our pleasure at the strengthening of dialogue between the Central American region, the European Union and the Group of Three, demonstrated in the convening of the San José XIV Ministerial Conference, held in Costa Rica in February this year. Venezuela will continue to support efforts for economic and social development in the region through existing cooperation programmes.

My country has closely followed the peace-building process in Guatemala, in our capacity as a member of the Group of Friends of the Secretary-General and through the United Nations Verification Mission in Guatemala (MINUGUA). The Secretary-General's report on MINUGUA reflects the progress that has been made in implementing the Peace Agreements. Although there remain points on which the desired progress has not yet been made, we have every confidence that the political will exists to reach the objectives within the established time-frame. This confidence was strengthened once again by the recent adoption by the Guatemalan Parliament of a set of constitutional reforms.

With the Group of Friends, Venezuela is sponsoring draft resolution A/53/L.20 on renewing the mandate of MINUGUA. We are thus expressing our support for the work of the Mission and the renewed commitment of all sectors of Guatemalan society in their efforts to consolidate the peace process as the sole point of departure for reconciliation and national reconstruction in an atmosphere of freedom and understanding.

Mr. Duval (Canada) (*interpretation from French*): I am glad to have the opportunity today to speak on Canada's behalf on the situation in Central America and on the United Nations Verification Mission in Guatemala (MINUGUA). We are proud yet again to co-sponsor both draft resolutions on this item.

The past year has seen progress in the process of consolidating peace, freedom, democracy and development in the Central American region. Canada welcomes this progress and, in particular, the achievements made in implementing the Guatemalan Peace Agreements signed under United Nations auspices.

Regrettably, the past year has not seen progress alone; very recently, it has also seen tragedy. The passage of hurricane Mitch has had a devastating effect on the Central American region and threatens the ability of its peoples to realize the benefits of the progress made towards peace, freedom, democracy and development.

In accordance with the spirit of draft resolution A/53/L.22/Rev.2, Canada recognizes the need to provide emergency aid to Central American countries in order to help mitigate the effects of this catastrophic event. Canada is now doing everything in its immediate power to provide relief to those affected by this tragedy. To date, our Government has provided over Can$9 million towards emergency assistance in the region, including food aid, local relief efforts, emergency relief through non-governmental organizations, the provision of basic necessities and a mapping project for flood zones.

Canadian officials are working with their counterparts in Central America and, through the Canadian International Development Agency, with non-governmental organizations to determine a schedule for follow-up relief supplies. In addition, the Canadian Armed Forces have established a humanitarian relief operation at La Ceiba, in northern Honduras, under the designation of Joint Task Force Central America. The Canadian Disaster Assistance Response Team (DART) is a 180-person rapid-response organization comprising a headquarters, a medical platoon, an engineering platoon, a logistics support element and a security element. DART is focusing on the provision of clean drinking water, repairs to infrastructure and emergency medical care.

(*spoke in English*)

We realize that money cannot compensate for the tragedy of lost lives and shattered communities, but debt relief is an important step towards addressing the needs of those affected by the disaster. Canada has thus suspended repayment of principal and interest on Can$25 million in official debt owed by Honduras. The Government of Canada will be working in the days ahead with the World Bank, the International Monetary Fund, the Inter-American Development Bank and the Paris Club of official creditors to assess what further debt-relief measures may be needed for hurricane-affected countries. We will also be consulting with the G-7 and other partners on a regular basis to review the situation.

Canada intends to show its support to those countries devastated by the hurricane not only in the short term. To this end, Canada has pledged an additional Can$ 100 million over the next four years to Central America's recovery. The funds will focus on restoring agricultural production, reconstructing basic health facilities, water and sanitation infrastructure and rebuilding houses. Part of the funds will also go towards protecting the environment and managing natural resources. The Canadian International Development Agency will also review its programming in the region

with a view to addressing the current situation. While in Central America last week, the Canadian Minister of International Cooperation, Mrs. Diane Marleau, met with officials from Nicaragua and Honduras to discuss their reconstruction needs.

These needs go beyond the obvious. Hurricane Mitch has had unanticipated and horrifying effects. Heavy rain and massive landslides have washed thousands of landmines into rivers and roadbeds. Yesterday, the Canadian Minister of Foreign Affairs, Mr. Lloyd Axworthy, announced a special contribution of Can$ 4.7 million for mine action in Central America. These funds will be spent in support of an Organization of American States assessment mission, mine clearance in northern Nicaragua and several five-year rehabilitation programmes in Nicaragua, El Salvador and Honduras. In addition, some of the funding will be used to finance a joint Canada/Israel programme for landmine victims in Guatemala.

In supporting this resolution, Canada joins in appealing to all Member States, the United Nations system, other international institutions and major actors in international civil society to provide generously the assistance urgently needed by the countries affected by the hurricane. A strong response to this appeal will help to ensure that the gains made in the establishment of peace, freedom, democracy and development in Central America are maintained.

Mr. Bocalandro (Argentina) (*interpretation from Spanish*): It is an honour for the delegation of Argentina to speak under this item on the situation in Central America. We have closely studied the reports of the Secretary-General, and we share his positive view on the future of the region, where great progress has been achieved in institutional and political reforms.

We have often stated in the past that due to the changes stemming from the cold war, for many years Central America was engulfed by conflict and violence which led to great social inequity, economic instability and institutional fragility. However, the end of the cold war opened up the road to democracy, thereby initiating a swift course towards coexistence, development and international integration. The signing of the Esquipulas II agreement on 7 August 1987 began this positive trend and established the bases for the process of democratization and political normalization of the region. In order to further consolidate this process, it is necessary for the will of the peoples and their Governments to coincide. However, ongoing sustained international cooperative effort is also needed to encourage prospects for growth.

Unfortunately, in the last few days we have witnessed with great anguish the tragic circumstances of Central America caused by the recent natural disaster. The situation is unprecedented. Conditions in the countries of the region are critical. The disaster is such that in some cases it will take a very long time simply to reverse the effects of the hurricane. For that reason, we consider it particularly urgent that all donor countries redouble their efforts to help alleviate the needs of this region. It is vital to help the societies affected, not only as a humanitarian response, but also because there is a real risk of holding up all the progress made in rebuilding these already damaged societies that have suffered from long years of conflict.

The Argentine Republic's traditional commitment to supporting the democratic process in Central America is now doubly needed because of these circumstances. Thus our country is contributing a significant number of White Helmets and has sent health and other supplies. We will continue to do everything we can to help the region recover.

Central America, with its culture, history, economic potential and strategic geographical location, is an area of fixed interest in Argentina's foreign policy. Our shared traditions and common objectives in this and other forums mean that Argentina supports and participates in Central American initiatives. In the area of human rights, for example, the outlooks of that subregion have been pioneering ones. Central America has also stood out in practical matters for promoting the cause of development and the ecology.

Today we can say that Central America's participation in the international arena has grown, which has benefitted the entire region of Latin American and the Caribbean. We agree with the Secretary-General's statement in his report on this item, that Central America will become a model of peace, democracy and comprehensive development. As it has in the past, Argentina will accompany those countries in that undertaking in the spirit of fraternal solidarity which they deserve.

Mr. Rabena (Spain) (*interpretation from Spanish*): The representative of Austria has spoken on behalf of the European Union, and my delegation identifies itself fully with his statement. I wish, however, to make additional observations, as Spain is a member of the group of friends of the Guatemala peace process.

My delegation welcomes the report of the Secretary-General of 28 September 1998, which describes the

ongoing progress made in the implementation of the peace agreements of December 1996. In that regard, as the representative of Austria stated, my Government welcomes the recent agreements reached on constitutional reforms, to be endorsed shortly by the people of Guatemala in the proposed referendum, and fiscal reform. Spain is confident that the people of Guatemala and their political and social institutions will continue to be committed to the implementation of the peace agreements.

During 1998 the work of the United Nations Verification Mission in Guatemala (MINUGUA) in implementing and verifying the agreements has continued to demonstrate its great effectiveness and vital nature. For that reason, Spain, which endorsed the commitment for implementation of the peace agreements, is confident that draft resolution A/52/L.20, which Spain sponsored with the other members of the group of friends and of the European Union, will be unanimously adopted. That draft resolution provides for the extension of the MINUGUA mandate until 31 December 1999.

I wish to turn now to the human tragedy which the people of Central America are undergoing to express once again my country's and my Government's solidarity with the people affected and to express our firm commitment to their efforts of reconstruction, development and consolidation of democracy.

However, the devastation caused by hurricane Mitch will undoubtedly have serious long-term social and economic consequences, making this perhaps one of the most challenging moments for international solidarity. The challenge of reconstruction, development and consolidation of democracy in Central America is now more than ever a challenge to us all, to which we must respond generously and in a coordinated way.

Mr. Valdivieso (Colombia) (*interpretation from Spanish*): Colombia wishes to express its solidarity and support to our Central American brothers who have been struck by one of the most devastating natural disasters suffered by our region. The disasters caused by hurricane Mitch have not been fully calculated and will require major reconstruction efforts by the affected countries. Reconstruction will be a difficult undertaking which will take a long time, and international solidarity will be absolutely essential.

As our colleague from Mexico said at the 61st meeting, in introducing the draft resolution, "The Guatemalan peace process is working and working well". It has overcome some difficult phases, which ensures that it will remain on the path towards lasting peace.

Colombia has participated in the peace processes in Central America, first in the early efforts of the Contadora Group, then in the Salvadoran process and more recently as part of the Group of Friends of the Guatemalan peace process. We have done so in a spirit of conviction and hope, because we are very well acquainted with the pain of internal conflict.

Colombia joins in the gratitude expressed by the international community for the efforts made by the Government and the people of Guatemala. The implementation of the Peace Agreements, which involves major reforms, is being carried out thanks to the decision that was consolidated when the agreements were signed two years ago.

Recent constitutional reforms adopted by the Congress a few weeks ago bear further witness to the Guatemalan nation's acknowledgement of its multiculturalism. The support those reforms receive in the referendum that will soon take place will be one more vote of confidence in the process.

Colombia strongly supports the efforts of the United Nations to build peace in Central America, as well as the work of the United Nations Verification Mission in Guatemala (MINUGUA), whose presence and participation has been of extremely significant. We are also grateful for the valuable and timely contribution of the various agencies.

Nevertheless, this aid needs to stepped up even further in the wake of the tragic hurricane. The peace process in Guatemala is now entering its third phase, and full implementation of the agreements must continue to be ensured. Much has been invested, and the entire society has responded. Our support must continue.

Colombia is a sponsor of the draft resolution on extending the mandate of MINUGUA from 1 January to 31 December 1999.

The Acting President (*interpretation from French*): We have heard the last speaker in the debate on this agenda item.

Before adjourning the meeting, I should like to inform the Assembly that action on draft resolutions A/53/L.20 and A/53/L.22/Rev.2 will be taken at a later date, to allow time for the review of their programme budget implications.

The meeting rose at 1.35 p.m.